

92 01109

IGSL  
UCB

**FINAL ENVIRONMENTAL IMPACT REPORT  
(SUPPLEMENTAL ANALYSES AND RESPONSES TO COMMENTS)**

on the

**AQUATIC PARK CENTER PROJECT  
(DURKEE SITE)**

November 1986

Prepared by

**MUNDIE & ASSOCIATES**  
Consultants in Land Use and Economics

for the

**CITY OF BERKELEY**  
Planning and  
Community Development Department

Project Sponsor:

**WAREHAM DEVELOPMENT**



92 01109.

FINAL ENVIRONMENTAL IMPACT REPORT  
(SUPPLEMENTAL ANALYSES AND RESPONSES TO COMMENTS)

AQUATIC PARK CENTER  
(DURKEE SITE)  
S.C.H. #86071501

Prepared by:

MUNDIE & ASSOCIATES  
Consultants in Land Use and Economics

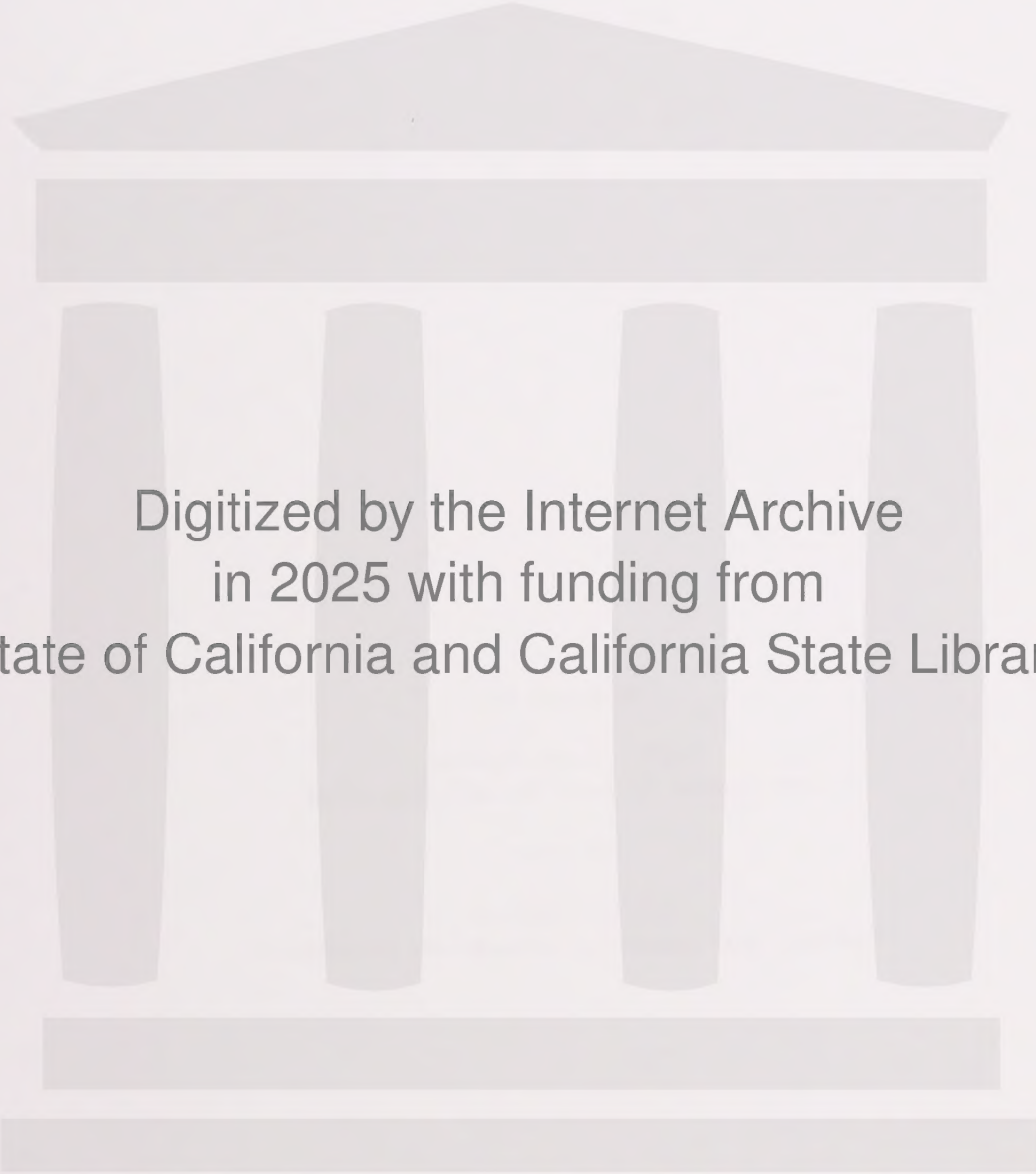
for the

CITY OF BERKELEY  
Planning and Community Development Department

Sponsor:  
Wareham Development

November 1986





Digitized by the Internet Archive  
in 2025 with funding from  
State of California and California State Library

<https://archive.org/details/C124909827>



This document includes three elements: 1) a description of project revisions proposed by the applicant subsequent to the circulation of the Draft Environmental Impact Report (DEIR); 2) a description and the results of supplemental analysis undertaken by the EIR consultants; and 3) responses to comments on the DEIR.

This document combined with the previously published Draft EIR represents the Final EIR on the proposed project (June 1986).



# TABLE OF CONTENTS

	<u>Page Number</u>
I. INTRODUCTION .....	1
Background .....	1
Project Revisions .....	2
II. SUPPLEMENTAL ANALYSIS .....	5
The Durkee Site's Landmark Status .....	5
Traffic Analysis .....	9
Cumulative Analysis .....	22
Archeology .....	30
III. COMMENTS AND RESPONSES .....	31
State Agencies and Special Districts .....	31
Dwight R. Hoenig, Chief, North Coast California Section, Toxic Substances Division, Department of Health Services, State of California, Comment 1 .....	32
Milton Feldstein, Air Pollution Control Officer, Bay Area Air Quality Management District, Comment 2 .....	35
John B. Ohanian, Chief Deputy Director, Office of Planning and Research, State of California, Comment 3 .....	37
Wallace J. Rothbart, District CEQA Coordinator, Department of Transportation (CalTrans), State of California, Comments 4-21 .....	40
Donald R. Chew, Supervisor, Transportation Projects Section, Public Utilities Commission, State of California, Comments 22-27 ..	46
Kenneth Theisen, Hazardous Waste Section, San Francisco Bay Regional Water Quality Control Board, State of California, Comment 28 .....	49
City of Berkeley .....	51
Gil Kelley, Senior Planner for Environmental Review, relaying the comments of the Landmarks Preservation Commission, Comments 29-49 .....	52
Miguel Iglesias, Acting Transportation Commission Secretary, Transportation Commission, Comments 50-51 .....	60





TABLE OF CONTENTS  
(continued)

	<u>Page Number</u>
 Individuals and Organizations	
Helen Rand Parish and James W. Bradley, Comments 52-55 .....	63
Robert Reiter, Comments 56-66 .....	65
Berkeley Architectural Heritage Association Board, Comments 67-83 ...	72
Matt Tomas, Associate Planner for West Berkeley Area Plan, Comments 84-96 .....	79
Betsey Strange, Comments 97-106 .....	92
Joe Marsh, Comment 107 .....	96
Dr. Robert Epstein, Executive Vice President, Sybase, Comment 108 ...	98
MAARS (Merchants, Artisans, Artists and Residents of SW Berkeley) Steering Committee, Comments 109-116 .....	100
Lynn Turner, Comments 117-119 .....	104
Persons Testifying at the Public Hearings .....	106
Comments 120-183 .....	106
 IV. APPENDICES	
A. Minutes from Landmarks Preservation Commission (LPC) meeting [regarding LPC comments on DEIR] .....	121
B. Level of Service Criteria for Signalized Intersections .....	127
C. Memorandum from Benjamin Ananian on Supplemental Archeology Analysis .....	128
D. Memorandum from Wareham Development [regarding employment and housing assumptions and estimates] .....	129





## CHAPTER I

### INTRODUCTION

#### BACKGROUND

A Draft Environmental Impact Report (DEIR) was published on June 25, 1986 on the proposed Aquatic Park Center (Durkee Site) project. The DEIR addressed two development scenarios, one of which ("Scenario Two") is now the proposed project, with some revisions, as described in the next section.

A public hearing before the Board of Adjustments was held on August 13, 1986 to receive testimony on the adequacy of the DEIR. At the public hearing, the public review period was extended beyond the conventional 45 days to allow the Landmarks Preservation Commission (LPC) to discuss the DEIR and forward comments to the Board of Adjustments. A second public hearing was held on August 25, 1986 at which time several other public speakers addressed the Board prior to Board members making comments and asking questions. The review period was declared closed at the end of that meeting and the EIR consultants were instructed to begin preparation of the Final EIR.

During the review period, letters of comment were received from seventeen state agencies, special districts, city staff members and other organizations and interested individuals. These are responded to on a comment by comment basis below.

In addition, the project sponsor and project architects, reacting to both the mitigations recommended in the DEIR and formal and informal comments of which they were aware, set forth several modifications to the project.<sup>1</sup> These are essentially refinements to Scenario Two and are described in the next section of this chapter. A revised site plan is shown as Figure 1. These project revisions generally would result in reduced impacts when compared to the DEIR evaluation of Scenario Two and therefore are not considered to be major changes in the project, subject to new evaluation.

However, comments received on the DEIR suggested four areas in which supplemental analysis was needed: landmark and design issues, traffic, cumulative development and additional evaluation of potential archeological resources. These supplemental sections are presented in Chapter III.

Questions regarding the myriad issues underlying the site's landmark designation were raised by both organized groups and individuals and this supplemental discussion appears first.

---

<sup>1</sup> It is important to note that specification and refinement of the project has occurred subject to inputs from four separate sources: 1) the CEQA environmental review process; 2) the city-initiated Durkee Site Task Force; 3) negotiations between the project sponsor and tenants of the Durkee Building regarding renewal of leases and rent levels; and 4) city staff office in regard to the applicability of local rent control and residential unit preservation ordinances.



Second in order is a section which takes another look at transportation impacts after two significant changes in the analysis: 1) new, up-to-date, traffic volume counts were taken at intersections for which previous city-collected data were thought to be outdated; and 2) the list of cumulative development projects was expanded to account for additional potential projects in the vicinity (city staff and the EIR consultants have become aware of these projects during the interim between the time the DEIR was prepared and the preparation of this supplemental analysis).

Third, the expanded cumulative development list has been used to consider other environmental subject areas covered in a chapter on cumulative impacts.

Fourth, in response to public hearing and written comments, as well as advice from the California Archeological Inventory, Sonoma State University, additional soils borings and analysis by a state-registered archeologist are presented.

Following the four supplemental sections comprising Chapter II are the comments and responses. Written comment letters followed by responses are presented first, followed by paraphrased comments made at public hearings and the responses thereto.

Several appendices, concerning the site's landmark status, archeological resources, traffic definitions and onsite employment form Chapter IV.

The following section describes the modifications to the project which have been proposed by the applicant. Figure 1 (p. 4) shows the revised site plan.

#### PROJECT REVISIONS

The specific revisions to the proposed project include:

- The new west office building (letter F on the revised site plan) would be moved east so that its eastern side would be approximately 60 feet from the western side of both the Garr Building and the parking garage (proposed for enlargement; see below). The square footage and footprint would remain unchanged.
- The parking lot previously located east of the new west office building would be switched to the west side of the building (i.e. between this building and the railroad right-of-way). Three driveways would access Heinz Avenue.
- The parking garage (letter D on the revised site plan) would be moved north by approximately 25 feet to allow for a driveway which would link the above-mentioned western parking lots directly to Fifth Street and ultimately to Anthony Street for improved circulation, (see Mitigation Measure #9, p. 100, DEIR). This relocation would consequently narrow the linear open space which traverses the middle of the site in an east/west direction.
- The parking garage would be expanded to include a total of 127 spaces on two enclosed levels and the roof (see Mitigation Measure #12, p. 100, DEIR). The garage would be a sloping floor, one-way circulation design in which the levels advance in half steps. Access to the garage would stem from the new driveway on the southern edge of the site.





- Other minor changes throughout the site would also result in rearrangement of parking space locations including spaces on Heinz Avenue and at a small lot in the southeast corner of the site.
- The pedestrian bridge over the railroad right-of-way would no longer be proposed for the project.
- The smokestack would be retained and surrounded by a glass atrium in the new one-story mixed-use building which extends west from the Spice Building. This building would be a tall one-story building to match the height of the Spice Building.
- A paved courtyard would be recreated at the east end of the site between the Durkee and Spice Buildings, and the new east office building (letters A, B, C and E on the revised site plan). The courtyard area would be intended as a flexible use space for pedestrians, occasional use as seating by the theatre group(s) in the Spice Building, who could use the existing Spice Building loading dock as an outdoor stage, and at other times for restricted parking and loading.
- and at least some commercial space*  
At least four live/work spaces would be maintained in the Durkee Building. The remainder of the renovated Durkee Building space would be used for either live/work spaces or small scale offices, or some combination thereof. The project sponsor has stated an intention to arrange the space within the building as modules could be converted to small-scale commercial office uses should insufficient demand for live/work space exist. The time period over which the owner would commit to conscientiously seek live/work tenants prior to seeking commercial office tenants has not yet been specified. The Durkee Building would also include a cafe/cabaret on the southeast corner of the ground floor.
- The proposed new mixed use building (letter C on the revised site plan) on the east end of the site would remain at 18,624 square feet but it would be relocated to the northeast corner of the site and built as a two-story structure. It is intended to provide some retail space facing Heinz Street with the majority of space in light manufacturing and research & development uses.

Environmental impacts resulting from the project after implementation of these modifications would in all cases be of lesser total magnitude than before, though they may be experienced at different locations onsite or on the surrounding street network.

Wareham Development also submitted information regarding their estimates of new employment on the site (see Appendix D). Because tenant selection is still uncertain, the EIR consultants believe a more cautious approach to employment impact forecasting is appropriate and, therefore, the project sponsor's suggested revisions to the employment and housing forecast have not been used to revise the forecast contained in the DEIR. (See Response to Comment #164 also.)









## CHAPTER II

### SUPPLEMENTAL ANALYSIS

#### THE DURKEE SITE'S LANDMARK STATUS

##### Comments on the Draft Environmental Impact Report

Comments submitted by the Berkeley Architectural Heritage Association (BAHA) and the Landmarks Preservation Commission (LPC) raise several fundamental questions about the application of environmental analysis to issues of historic preservation and urban design, and about the role of a CEQA document in assisting appointed decisionmakers as they review a project.

This supplemental section is included to address several common questions and comments which were raised with regard to the Draft EIR (DEIR) analysis. The following analysis provides a more focused look at Berkeley's preservation ordinance and emphasizes its role; it lays out a series of urban design elements which could be considered by the LPC as they deliberate over the requested demolition permits; and it clarifies the difference between the role of the EIR and the role of deliberations of the Landmarks Preservation Commission and the Board of Adjustments over permit requests.

Readers of this document will notice that each of the comment letters, as well as the comments of other individuals raising questions relating to the site's landmark status, are included in Chapter III, Comments and Responses. In some cases, the responses which appear in Chapter III refer to this supplemental discussion of the site's landmark status.

##### Background of the Consultants' DEIR Analysis

The charge given to the consultants at the DEIR stage by the City was multi-faceted with regard to issues of historic resources, urban design and the landmark status of the Durkee site. First, the site, its buildings and their interrelationships, and the proposed project were to be considered using the objective standards of professionals in these disciplines. Second, the findings of the LPC and their rationale for designating the site a landmark under the local ordinance were to be presented and discussed. Third, mitigation measures were to be suggested which could lessen any impacts forecast to result from the project.

In light of comments on the DEIR, this supplemental analysis looks again at these three elements in terms which are appropriate to a Final EIR (FEIR), and at the role which revisions to the project have played in this regard. It is important to begin this discussion by defining the role of an EIR in this context, and by clarifying the level of detail which is appropriate to it in areas as subjective as design and landmark considerations.





## The Role of an EIR

An EIR must consider a broad range of environmental issues, and provide an information base for local decision-makers, which adequately exposes the potentially significant environmental impacts of a proposal and suggests possible ways in which to mitigate them. An EIR need not provide all of the detail, particularly in the subjective areas, needed by decision-makers to discharge their duties under local ordinances. What this means in the case of analyzing this project's relation to the site's designation as a local landmark is that an EIR can do the following:

- communicate the significance of the impact of a proposed project in a general way, using the professional judgment of the EIR consultants;
- set forth the considerations of prime importance to the LPC in preserving the site's historic, cultural and aesthetic character; and
- suggest possible measures to lessen the adverse effects which the project might have by presenting a clear framework for the LPC to consider demolitions and new structures on the site in the subsequent and more detailed permit consideration process.

What an EIR cannot be is a detailed design analysis (i.e., an exhaustive study of all the possible design and use permutations of a project like the one proposed). Nor can it state with any certainty what particular configuration of buildings on the site would constitute an adverse effect under the terms of the local ordinance.

Impact analyses in which discrete, measurable impacts are followed by mitigation measures on a point-by-point basis are most appropriate in topical areas like air quality or noise analysis and least useful on subjects in which personal perceptions and subjective preferences play a large part. Consider this contrast: construction dust (an adverse impact) can be controlled via a twice-daily watering program (a mitigation measure); but does the application of historic building ornamentation compensate for a change in land use within a particular building?

## Summary of Conclusions From Draft EIR

The results of the examination of the historic and cultural merit of onsite structures, and of the site as a whole, are presented in the DEIR (pp. 55-57). The concerns of the LPC in designating the site are noted there (and subsequently stated concerns appear in their DEIR comment letter). It is also concluded that, while the site would be noticeably altered, from the standpoint of impacts on recognized historic resources or the urban fabric of the Durkee site and its context, the revised project presents no significant adverse impacts which cannot be addressed through continuing refinements to the project. This conclusion of the EIR consultant remains unchanged.

However, the fact that the site as a whole has been designated a landmark by the LPC inserts another type of potential impact into the process, one which concerns the consistency of the revised project with local plans and policies. The DEIR mentions this situation (see pp. 34-35 and p. 56, DEIR), but in hindsight does not clearly summarize its implication.



Because a series of criteria must be applied to deliberations over whether to grant requested demolition permits (one of which shifts the burden of proving the need for demolition to the applicant), the LPC may find that any demolition (of a structure on a landmarked site) would represent an impact for which a mitigation or other trade-off would be required. Therefore any project involving any alteration of a designated site would be unequivocally inconsistent with local plans and policies (and therefore a significant adverse impact) unless the LPC were to make findings that the negative effects of the alteration would be somehow offset.<sup>2</sup>

#### Project Revisions Leave Two Major Concerns

It is important to note that revisions to Scenario Two as shown in the DEIR have addressed many of the specific concerns of persons in attendance at the EIR scoping session and at various meetings and hearings (see Project Revisions Leave Two Major Concerns, below).

In the case of the proposed project, the revisions described above (pp. 2-3), addressing both design and cultural/lifestyle issues, attempt to mitigate the concerns revolving around the smokestack, the use and design features of the courtyard, parking spaces along Heinz Avenue, retention of the Spice Building and loading dock and retention of live/work spaces in the Durkee Building. The details are not yet as refined as they would need to be at the Use Permit stage, but the elements of a context-sensitive site plan are in place.

What remains are the major concern over removal of 810 Heinz and the Experimental Kitchen (or construction within the footprint of these buildings) and a variety of design details.

The question of 810 Heinz and the Experimental Kitchen is of a different level than the issues which are design details of the project, and should be decided first. Though the new east building (letter C on the revised site plan) attempts to relate to the Durkee and Spice Buildings, would not block significant views, and would help recreate the courtyard, the LPC still must decide based on the city landmarks ordinance whether the other amenities produced by the project as a whole represent appropriate mitigations for the loss of 810 Heinz and the Experimental Kitchen.

The existence of these structures is an historical fact, and therefore they represent a component of the site's historical character. (The historic use of these buildings is described on p. 33 of the DEIR and in Appendix E thereto.) However, whether keeping these structures is critical to maintaining the overall historic, cultural and architectural value of the site in its new and future use, can be judged only by local decisionmakers in their deliberations over the permit requests. The terms of the local ordinance, and the proceedings of the LPC to date, do not permit the EIR to say with any certainty whether these structures should or should not be maintained, in light of the specific proposed project.

---

<sup>2</sup> Another course of events would be for the applicant to plead infeasibility on all designs except the proposed project and seek approval without mitigating the demolition.





This said, it does seem clear that the LPC deliberations on these demolitions could focus on three elements: the historic use of this portion of the site (light industrial), the physical contribution which the existing structures make to the sense of a courtyard at the east end of the site, and the contribution these structures make to the industrial feel of the site. The point of focusing on these three elements is that they may be of help in examining both the existing and the proposed new structures in this location, and thereby assist the LPC in weighing the relative benefits of new development and historic preservation in a specific way. This framework for analysis may help the LPC in defining the specific importance of the existing structures, and also in considering design revisions and refinements to the proposed new structure. Site visits, perspective drawings, and models may be of help to the LPC in this process.

Additionally, the LPC will want to consider these demolition requests in the overall context of the proposed project. For example, does the proposed design and use of the new structure here (letter C), when taken together with the proposed design and use of the site as a whole as well as the project's relation to other city goals and policies, warrant the demolition of these structures? The LPC may also need to consider information from the project sponsor on the financial feasibility of various alternatives.

#### Expanded Onsite Mitigation Measures

The broad areas in which the LPC might wish to require mitigation measures of the proposed project include structural preservation, building location, treatment of open space, landscaping and elements of facade treatment.

Presented below is a "menu" of potential mitigations, very specific items which should help the LPC focus its deliberations on the landscaping and design details which remain of concern. It is an attempt to disaggregate the site elements which can be manipulated by the LPC into their component parts.

- building heights/footprints and their effect on the courtyard area
- siting and design of at-grade parking areas
- size and design of parking garage
- width of onsite roadways and character of paving materials
- emphasis on structural bay aspect of buildings
- retention of existing loading docks
- scale of windows, use of mullions
- cornice treatment, height of nearby structures
- height of lighting fixtures: buildings and streets/walkways
- level of light (brightness)
- use of roll-up doors for mixed-use buildings
- parapets on all buildings to screen equipment
- building surface treatments and color of finishes
- use of metal tube railings
- courtyard elements/furniture: seating, tables, planters
- use of hardscaping and type, bollards, metal grates around trees
- style and location of signs
- use and location of trees, shrubs and groundcover
- topographical changes onsite, berms, steps
- use of public art or architectural points of reference
- use of fencing or other elements obscuring or framing views
- effect on character of site due to land use type/tenant selection



## TRAFFIC ANALYSIS

The supplemental analysis which follows includes revisions to the description of the existing setting of two types: 1) new traffic counts were made at two intersections resulting in different existing traffic volumes to which the project and cumulative traffic is added and compared; and 2) new level of service (LOS) calculations including these existing conditions. The substantive information presented supercedes that which was presented in the DEIR.

The supplemental analysis below then proceeds to calculate revised levels of service for critical intersections, using the traffic volumes resulting from the new counts as a base and using a revised cumulative project list to forecast the near-term impacts of development which is planned or approved in southwest Berkeley.

The supplemental Cumulative analysis which follows (p. 22), includes traffic analysis of the long-term potential development in southwest Berkeley, on the Berkeley Water-front, and in nearby Emeryville.

Because this supplemental traffic analysis involves the revision of tables and figures first appearing in the DEIR, the numbers used here follow that system.

### Existing Setting

#### Street System.

Local Intersections. A revised Level of Service (LOS) analysis was performed in the PM peak hour at each of the critical intersections. In this supplemental analysis, the LOS is based upon a method referred to as the "stopped delay" method and is determined by the average time (seconds per vehicle) that it takes for a vehicle to move through an intersection. The resultant LOS level is still measured on a scale of A to F but is not based on the traffic volume to intersection capacity (v/c) ratio used in the DEIR. It should also be noted that the stopped delay LOS method is used for analysis of signalized intersections only.

These revised local intersection and I-80 LOS analyses were performed for the following conditions: Condition I - existing conditions; Condition II - existing conditions plus project; Condition III - existing conditions plus project plus near-term cumulative projects, C-1 through C-11 (for critical intersection analysis); Condition IV - existing conditions plus project plus near- and long-term cumulative projects, C-1 through C-18 (for I-80 freeway analysis in response to Caltrans' comments on the DEIR).

Because all of the critical intersections will need signalization under Condition III or before, they were all analyzed with the stopped delay method, i.e., as if already signalized. Though not presently signalized, the intersection of Seventh/Dwight soon will be, and a signal is recommended for the intersection of Seventh/Anthony as part of the mitigation measures recommended in this report. Thus, the intersection of Seventh/Dwight is the only one of three which is not yet specifically planned.

The stopped delay method incorporates significantly more variables than the method initially used for this analysis including pedestrian levels, signal timing, and more elaborate lane geometry characteristics. Refer to Appendix B for LOS definitions based upon stopped delay methods. (Computer worksheets presenting the underlying calculations of this analysis are available for review at the City of Planning and Community Development Department.



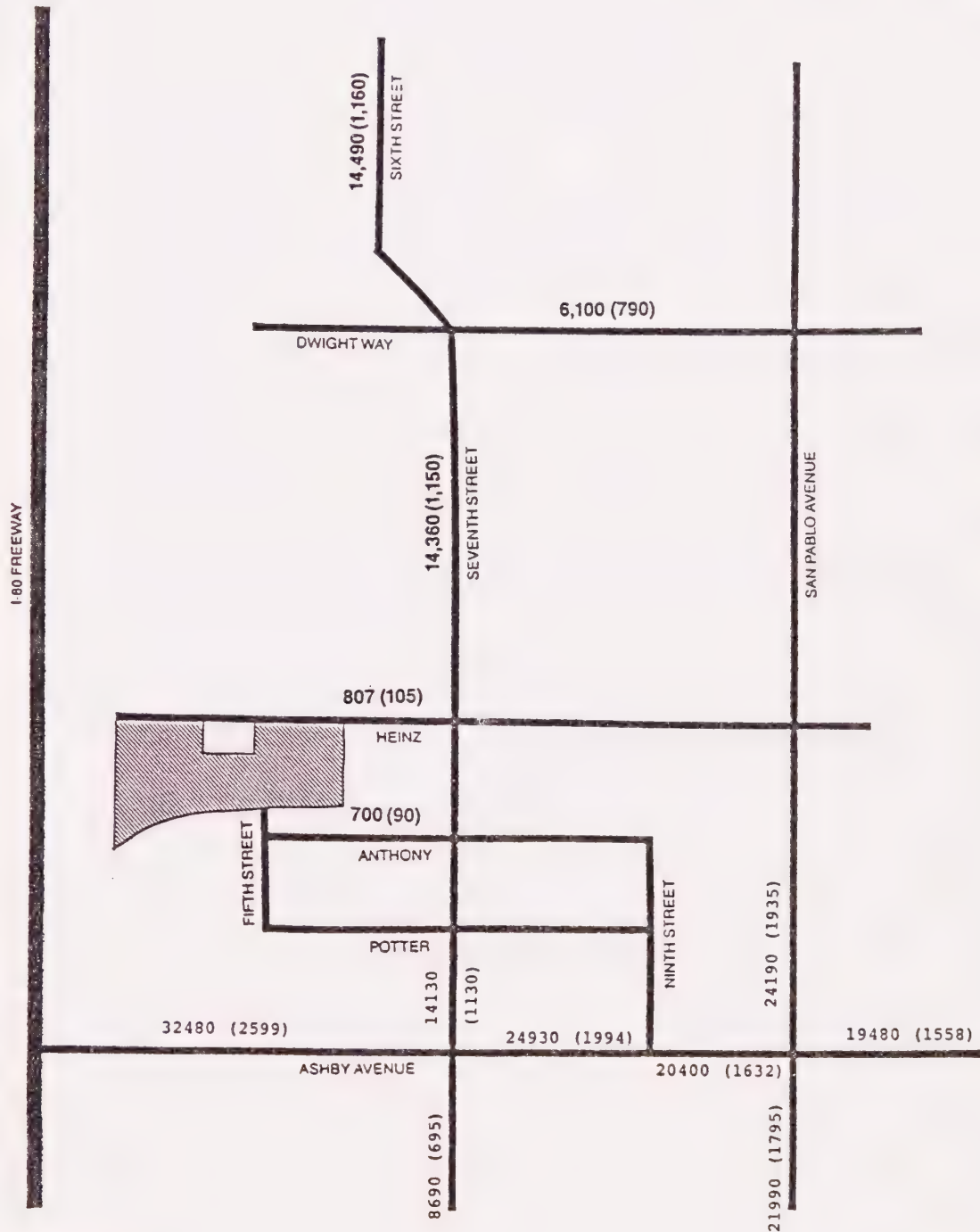






FIGURE 22

# EXISTING TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC

∞ ADT

(∞) PM PEAK HOUR

AQUATIC PARK CENTER  
(DURKEE SITE)







Table 10a  
Revision of Table 10

Level of Service at Critical Intersections, P.M. Peak Hour  
Aquatic Park Center<sup>a</sup>

Intersection <sup>b</sup>	<u>I</u>	<u>II</u>	<u>III</u>
1. San Pablo/ Ashby	B <sup>c</sup> (11.4)	B (11.5)	F (Oversaturated)
2. Ashby/ Seventh	F (Oversaturated)	F (Oversaturated)	F (Oversaturated)
3. Seventh/ Anthony	B (6.8)	B (9.5)	F (Oversaturated)
4. Seventh/ Heinz	B (6.5)	B (9.1)	F (Oversaturated)
5. Seventh/ Dwight Way	A (4.1)	A (4.4)	B (5.1)

<sup>a</sup> See Attachment A for Level of Service definitions. The average stopped delay times (sec/veh) are in parentheses immediately below the LOS levels. All intersections are analyzed as if signalized.

<sup>b</sup> Conditions for which traffic impacts are analyzed are:  
I - Existing 1986  
II - Existing 1986 with Proposed Project  
III - Existing 1986 with Proposed Project and Cumulative Projects C1 - C11.

<sup>c</sup> Methods of analysis are based on those recommended in the 1985 Highway Capacity Manual.

Source: Kenneth M. Bankston Associates, Inc.



Table 10b  
Revision of Table 10

Level of Service at Freeway Interchange Ramps and Segments<sup>a</sup>

Intersection <sup>b</sup>	I		II		IV	
	AM	PM	AM	PM	AM	PM
I-80/University						
NB On-ramp	A (.25)	A (.42)	A (.25)	A (.44)	A (.29)	B (.66)
NB Off-ramp	B (.63)	A (.38)	B (.63)	A (.38)	B (.63)	A (.38)
SB On-ramp	A (.27)	B (.63)	A (.27)	B (.63)	A (.27)	B (.63)
SB Off-ramp	A (.52)	A (.38)	A (.54)	A (.39)	B (.65)	A (.53)
I-80/Ashby						
NB On-ramp	A (.26)	A (.37)	A (.26)	A (.37)	A (.27)	A (.46)
NB Off-ramp	A (.56)	A (.53)	B (.61)	B (.54)	C (.77)	C (.75)
SB On-ramp	B (.68)	B (.66)	B (.68)	C (.71)	C (.72)	F (1.04)
SB Off-ramp	A (.23)	A (.29)	A (.23)	A (.29)	A (.33)	A (.33)
I-80 Segments						
NB University- Gilman	C (.78)	E (.98)	C (.78)	E (.99)	C (.79)	F (1.06)
NB Ashby - University	D (.86)	E (.97)	D (.86)	E (.97)	D (.86)	F (1.01)
NB Powell - Ashby	C (.73)	D (.81)	C (.74)	D (.81)	C (.77)	D (.85)
SB University - Gilman	E (.93)	E (.95)	E (.93)	E (.95)	E (.97)	E (1.00)
SB Ashby - University	D (.88)	F (1.00)	D (.88)	F (1.00)	D (.90)	F (1.02)
SB Powell - Ashby	E (.96)	F (1.01)	E (.96)	F (1.02)	E (.98)	F (1.04)

<sup>a</sup> See Attachment B for Level of Service definitions. The volume/capacity ratios are in parentheses below the LOS levels. Analysis is based on 1985 Highway Capacity Manual.

<sup>b</sup> Conditions for which traffic impacts are analyzed are:

I - Existing 1986

II - Existing 1986 with Proposed Project

IV - Existing 1986 w/Proposed Project and Cumulative Projects C-1 through C-18.

Source: Kenneth M. Bankston Associates, Inc.





## Impacts

Trip Generation. Trip generation rates by land use for each of the land use types are shown in Revised Table 7. (Note: it was necessary to revise this table to incorporate rates for the additional land uses in the expanded list of projects analyzed under Conditions III and IV.)

Project Related Impacts. As in the earlier analysis, the Aquatic Park Center project alone does not change any of the LOS findings (Table 10a). Since Intersection 2 currently operates at an unsatisfactory LOS, it was not analyzed under Condition II or III.

Expanded Cumulative Development Projections. In the original analysis, five projects in the general vicinity of the site (designated here as C-1 through C-5B in revised Table 9-A) were identified and incorporated into the cumulative analysis. In this subsequent evaluation, the cumulative analysis was broadened to include additional near-term (C-6 through C-11) and long-term (C-12 through C-18) projects. As defined here, 'near-term' refers to development within 5 years and 'long-term' refers to development built after 5 years.

The near-term projects (C-1 through C-11) were incorporated into the supplemental cumulative LOS analysis of the five critical intersections, whereas both near- and long-term projects C-1 through C-18 were used for the freeway interchange and link analyses. Revised Figures 27a and 27b show the location of the cumulative projects.

Tables 9a, 9b, and 9c, revisions of Table 9, show the gross square footage (in thousands) or number of dwelling units, estimates of AM and PM peak hour trips, and ADT that will be generated for each project.

Tables 9a and 9b combined show that the near-term cumulative projects can be expected to add 30,609 ADT to the surrounding roadway system. Approximately 12 percent of these trips would be in the PM peak hour. As would be expected, substantially more trips are generated when the long-term projects are added (see Table 9c).

Traffic Impacts from Near-Term Cumulative Development. This analysis presents impacts of the expanded near-term cumulative development projects described above.

Street System. Revised Figures 27a and 27b show the PM peak hour traffic and ADT resulting from the revised list of near- and long-term cumulative projects, C-1 through C-18. Existing traffic volumes plus that generated by the project and the near-term cumulative projects, C-1 through C-11, are shown in Revised Figure 28. These traffic volumes formed the basis for the cumulative analysis (Condition III) of the five critical intersections.

Critical Intersections. Table 10a, a revision of Table 10, shows that all intersections with the exception of Seventh/Dwight Way would operate at an oversaturated F LOS. This leads to the general conclusion that the overall roadway network and particularly the Seventh Street corridor as currently in place, even assuming all of the intersections analyzed are signalized, does not have the capacity to handle the development expected in the next five years.

Yet aside from the proposed project, the majority of the near-term projects have been approved and therefore the increasing traffic volumes will likely occur, with or without the proposed project



Revised Table 7

Trip Generation Rates by Land Use  
For Proposed and Cumulative Projects  
(per 1,000 GSF)

Land Use Type	Peak Hour				Average Daily Traffic
	AM		PM		
	In	Out	In	Out	
General Office Type A	1.93	0.20	0.26	1.70	10.90
(more than 100 KGSF)					
(0.55 x Type A Rate)	1.06	0.11	0.14	0.94	6.00
General Office Type B	2.12	0.38	0.40	2.42	17.70
(less than 100 KGSF)					
(0.72 x Type B Rate)	1.53	0.27	0.29	1.74	12.75
Discount/Retail Type A	--	--	1.61	2.19	50.00
Retail Type B					
(less than 50 KGSF)	1.59	1.36	7.16	7.26	117.90
(0.80 x Retail Type B)	1.27	1.09	5.73	5.81	94.00
Retail Type C					
(100 - 200 KGSF)	0.90	0.80	2.80	3.10	66.70
New Car Sales and Service	1.27	1.76	2.62	3.46	47.50
Warehouse	0.53	0.13	0.33	1.30	4.88
Apartments	0.10	0.40	0.40	0.20	6.10

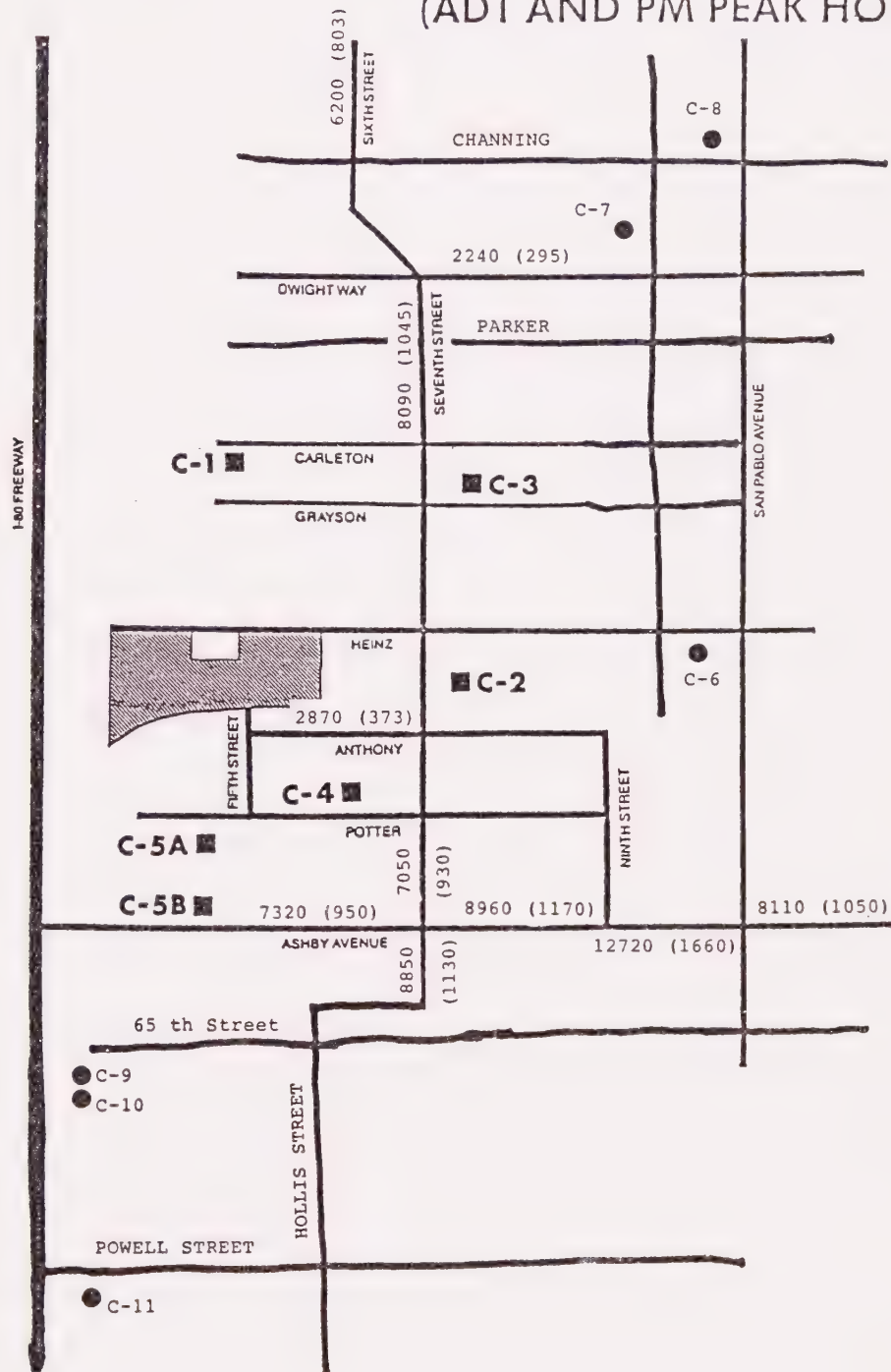
Source: Kenneth M. Bankston Associates, Inc.



FIGURE 27a

5 YEAR PROJECTS

# CUMULATIVE PROJECT LOCATIONS AND TRAFFIC GENERATED (ADT AND PM PEAK HOUR)



TWO-WAY TRAFFIC

00 ADT

(00) PM PEAK HOUR

■ CUMULATIVE PROJECT



AQUATIC PARK CENTER  
(DURKEE SITE)

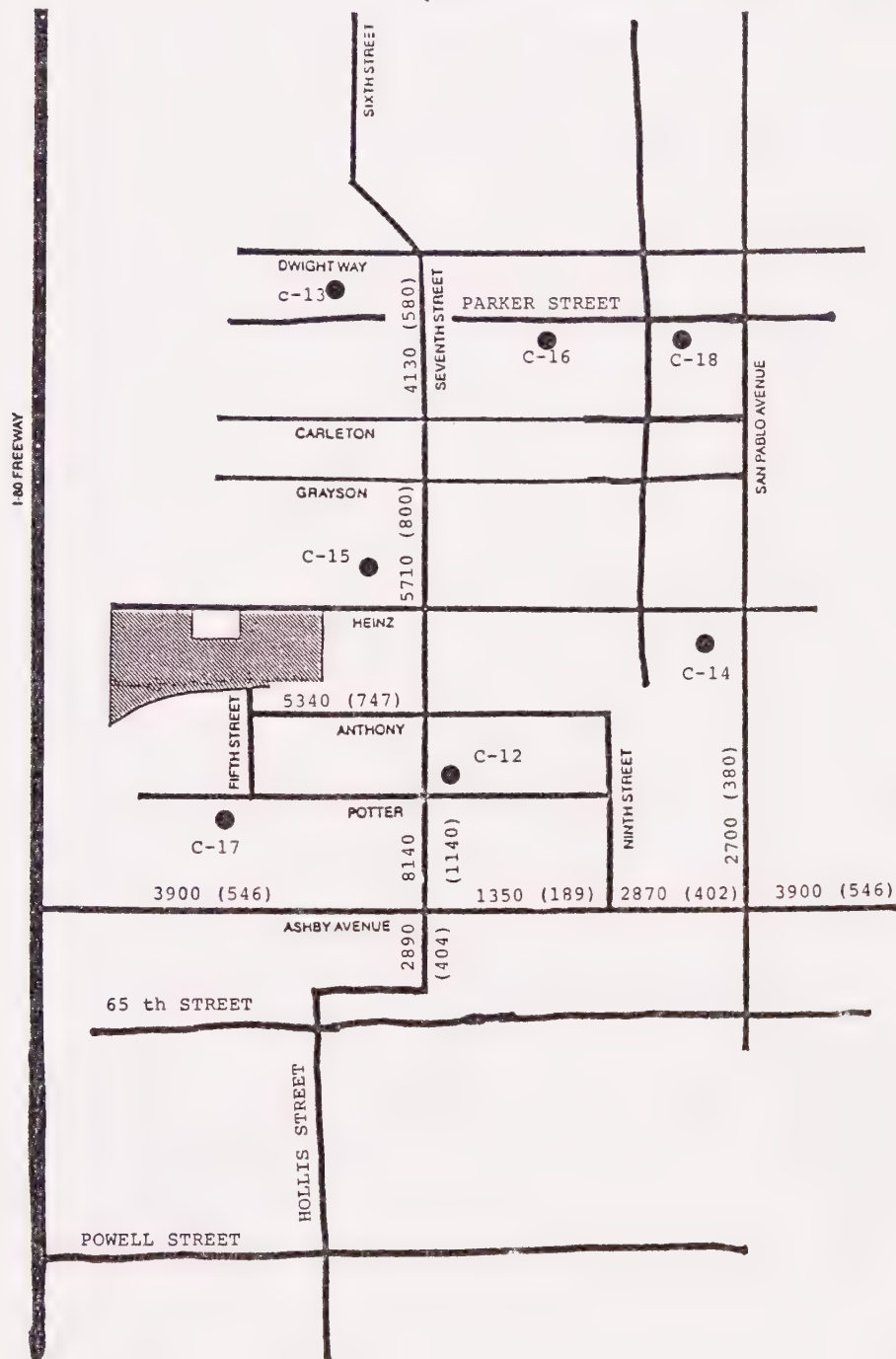






FIGURE 27b

# CUMULATIVE PROJECT LOCATIONS AND TRAFFIC GENERATED (ADT AND PM PEAK HOUR)



TWO-WAY TRAFFIC  
00 ADT  
(00) PM PEAK HOUR

● CUMULATIVE PROJECT

AQUATIC PARK CENTER  
(DURKEE SITE)





Table 9a  
Revision of Table 9

Trip Generation for Near Term Cumulative Projects<sup>a</sup>

Project and Use	KGSF	Peak Hour Trips				Average Daily Traffic
		AM		PM		
		In	Out	In	Out	
Section A:						
C-1 Carlton Street Business Center						
Office	226 <sup>b</sup>	436	45	59	384	2,463
Warehouse	68	36	9	22	88	330
C-2 Wareham Office Building						
Office <sup>C</sup>	10	22	4	4	24	177
C-3 Mighetto & Youngmeister						
Office <sup>C</sup>	10	22	4	4	24	177
C-4 Whole Earth Access						
Discount Store Retail	12	--d	--	19	26	600
C-5A Berkeley Auto Mall North						
New Car Sales and Service	80	101	141	210	277	3,800
C-5B Berkeley Auto Mall South						
New Car Sales and Service	80	101	141	210	277	3,800
Section A Subtotals	486	718	344	528	1,100	11,347

<sup>a</sup> This data was derived by multiplying the rates referred to in Table 7 by the project use.

<sup>b</sup> KGSF - Thousand Gross Square Feet. Square footage is rounded to the nearest thousands.

<sup>c</sup> Under 100,000 GSF.

<sup>d</sup> Not open in AM.





Table 9b  
Revision of Table 9

Trip Generation for Near Term Cumulative Projects<sup>a</sup>

Project and Use	KGSF	Peak Hour Trips				Average Daily Traffic
		AM		PM		
		In	Out	In	Out	
Section B:						
C-6 Berkeley Business Center						
Office Conversion <sup>b</sup>	54	83	15	16	94	689
C-7 Parker Plaza						
Office	22	47	8	9	53	389
C-8 Kershaw						
Office	8	17	3	3	19	142
Retail	4	6	5	29	29	472
C-9 Bay Center Development						
Office	325	627	65	85	553	3,543
C-10 Bay Center						
Apartments 550 Dwelling Units		55	220	220	110	3,355
C-11 Emeryville Shopping Center						
Commercial	160	144	128	448	496	10,672
Section B Subtotals	573	979	444	810	1,354	19,262
plus 550 dwelling units						
-----						
Section A and B Subtotals	1,059	1,697	788	1,338	2,454	30,609

<sup>a</sup> This data was derived by multiplying the rates referred to in Table 7 by the project use.

<sup>b</sup> KGSF - Thousand Gross Square Feet. Square footage is rounded to the nearest thousands.

<sup>c</sup> Used 55 percent of General Office Type A rates. (See Table 7.)

<sup>d</sup> Used 72 percent of General Office Type B rates. (See Table 7.)



Table 9c  
Revision of Table 9

Trip Generation for Long Term Cumulative Projects<sup>a</sup>

Project and Use	KGSF	Peak Hour Trips				Average Daily Traffic
		AM		PM		
		In	Out	In	Out	
Section C:						
C-12 Langendorf						
Office	70 <sup>b</sup>	148	65	68	411	3,009
C-13 Ducommun						
Office	110	212	22	29	187	1,199
C-14 Berkeley Business Center						
Office Conversion <sup>C</sup>	200	212	22	28	188	1,200
Retail Conversion <sup>d</sup>	50	64	55	287	290	4,700
C-15 Airco/Temescal						
Office Conversion <sup>e</sup>	160	170	18	22	150	960
C-16 Kawneer Building						
Office Conversion <sup>C</sup>	50	77	14	15	87	638
C-17 Oscar Kreinz Building						
Office	45	95	17	18	109	797
Retail	45	72	61	322	326	5,305
C-18 Consolidated Freightways						
Office	64	136	24	26	155	1,133
Section C Subtotals	794	1,186	298	815	1,903	18,941
-----						
Sections A + B + C						
Grand Totals	1,853	2,883	1,086	2,153	4,357	49,550
	plus 550 dwelling units					

<sup>a</sup> This data was derived by multiplying the rates referred to in Table 7 by project use.

<sup>b</sup> KGSF - Thousand Gross Square Feet. Square footage is rounded to the nearest thousands.

<sup>c</sup> Used 55 percent of General Office Type A rates. (See Table 7.)

<sup>d</sup> Used 80 percent of Retail (less than 50,000 GSF).

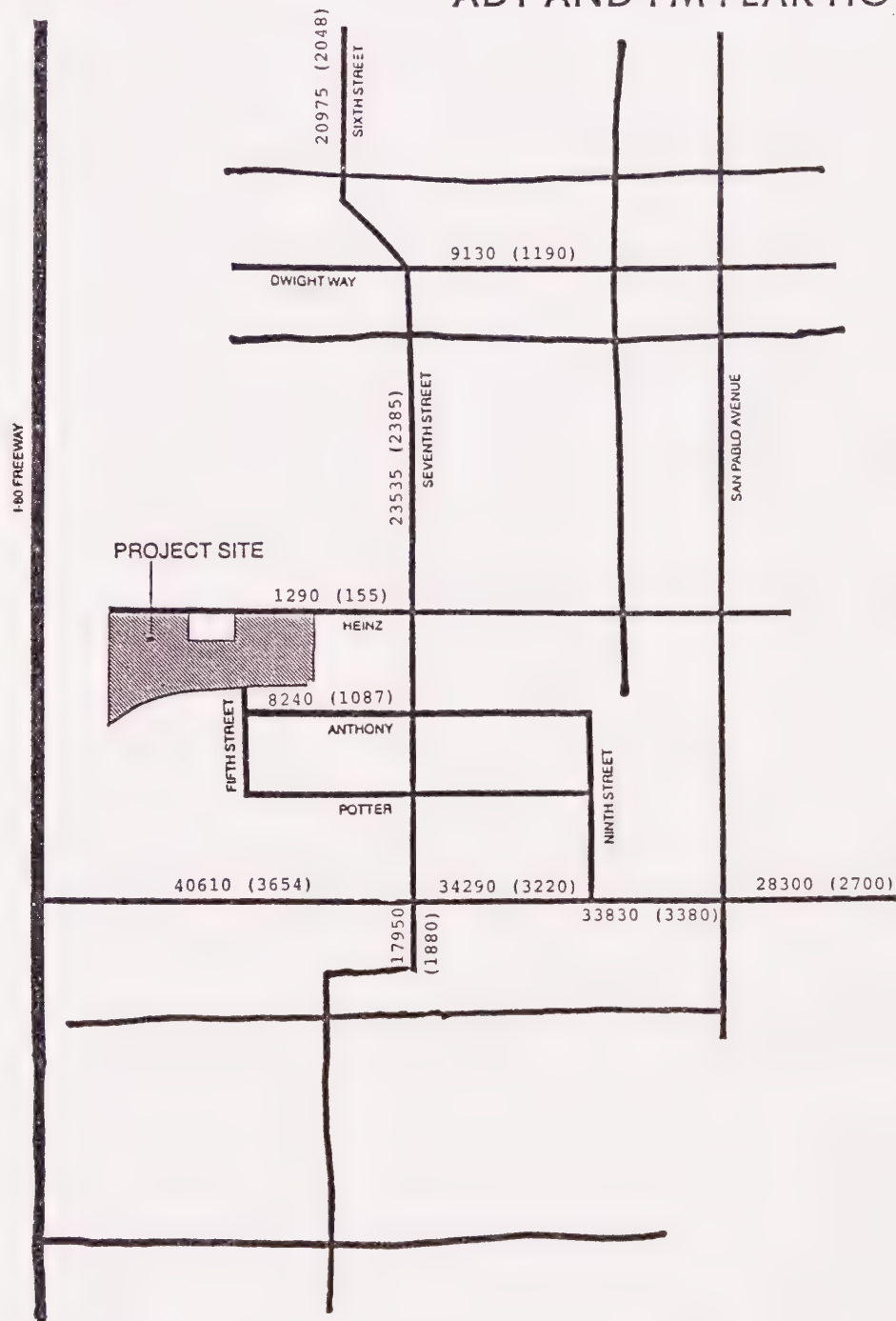
<sup>e</sup> Used 72 percent of General Office Type B rates. (See Table 7.)

Source: Kenneth M. Bankston Associates, Inc.



**FIGURE 28**  
5 YEAR PROJECTS

# CUMULATIVE + PROJECT TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC  
00 ADT  
(00) PM PEAK HOUR

**AQUATIC PARK CENTER  
(DURKEE SITE)**







One obvious conclusion that could be drawn from these results is that Seventh Street should be widened to provide two through lanes in each direction. However, this would only provide temporary relief while acting as an attractant for increased auto use and detract from use of other transportation modes. Other possible methods include diverting all or some of the project traffic from the Seventh Street corridor and implementation of the TSM measures shown in the DEIR. At a minimum, the mitigation measures in this Final EIR (and assumed in the analysis) need to be accomplished. And these traffic issues need to be considered within an overall planning context. However, it is beyond the scope of this study to do the detailed analysis of the future transportation network that would be required.

Individual Project Impacts on Critical Intersections. Revised Table 11 shows the amount and percentage of total traffic generated by the proposed Aquatic Park Center Project and each of the 18 near- and long-term cumulative projects.

The quantitative impacts of the long-term cumulative development are discussed in the next section, Cumulative Analysis. The possible solutions to the forecast traffic volumes shown there are planning related actions whereas the mitigation measures recommended for the near-term conditions are specific projects requiring funding.

#### Mitigation Measures

No additional project-sponsored mitigation measures are recommended. However, the revised analysis points out the compelling need for the mitigation measures shown in the DEIR.

### CUMULATIVE ANALYSIS

#### Approach

The requirement of the California Environmental Quality that cumulative impacts be discussed in an environmental impact report was addressed in the DEIR through the use of a cumulative project list: an inventory of projects anticipated to be developed in the project area in future years.

This list was presented in two parts: projects that can reasonably be expected to come on line in the short term (approximately five years) and projects farther in the future. These two sets of projects were identified in the DEIR in Tables 2 and 3 (pp. 48 and 51), respectively.

Since the time that the initial research undertaken for the DEIR was completed, other projects have been formulated or have been called to the attention of the consultants which were not included in the project lists in the DEIR. In addition, the publication of the DEIR on the Berkeley Waterfront Plan drew attention to the fact that the cumulative project lists in the two DEIRs were inconsistent in certain respects. Some of this inconsistency was intentional, since the Aquatic Park Project is a single-phase short-term project, to be analyzed more appropriately in a short-term development context, while the Berkeley Waterfront Plan is a multi-phase project more appropriately seen in the long-term development context.



Revised Table 11

Vehicles Entering Critical Intersections<sup>a</sup>  
PM Peak Hour

No.	Project	Critical Intersection Number				
		1	2	3	4	5
C-1	Carlton Street Business Center	95 (7%)	181 (10%)	162 (14%)	162 (19%)	195 (22%)
C-2	Wareham Office Building	0 (--)	9 (--)	9 (1%)	13 (2%)	11 (1%)
C-3	Mighetto & Youngmeister	0 (--)	9 (--)	9 (1%)	13 (2%)	11 (1%)
C-4	Whole Earth Access	6 (--)	16 (1%)	36 (3%)	19 (2%)	19 (2%)
C-5A	Berkeley Auto Mall North	102 (7%)	174 (9%)	361 (30%)	209 (25%)	209 (23%)
C-5B	Berkeley Auto Mall South	221 (16%)	311 (16%)	0 (--)	0 (--)	0 (--)
C-6	Berkeley Business Center	60 (4%)	35 (2%)	20 (2%)	20 (2%)	20 (2%)
C-7	Parker Plaza	15 (1%)	20 (1%)	20 (2%)	20 (2%)	40 (4%)
C-8	Kershaw	35 (2%)	35 (2%)	0 (--)	0 (--)	11 (1%)
C-9	Bay Center Development	244 (17%)	302 (16%)	66 (6%)	66 (8%)	66 (7%)
C-10	Bay Center Apartments	122 (9%)	150 (8%)	32 (3%)	32 (4%)	32 (4%)
C-11	Emeryville Shopping Center	411 (29%)	490 (27%)	99 (8%)	99 (12%)	99 (11%)
Proposed Project:						
	Aquatic Park Center	91 (6%)	157 (8%)	362 (30%)	187 (22%)	187 (22%)
Total Vehicles		1,402 (100%)	1,889 (100%)	1,176 (100%)	840 (100%)	900 (100%)

<sup>a</sup> This table shows the estimated number of vehicles generated by each of the cumulative projects and proposed project entering each intersection in the PM peak hour. Intersections are designated: 1. San Pablo/Ashby; 2. Seventh/Ashby; 3. Seventh/Anthony; 4. Seventh/Heinz; 5. Seventh/Dwight Way. Revised Figure 27a maps their locations. The percent of total traffic growth generated by each project at each intersection is indicated in parentheses.

Source. Kenneth M. Bankston Associates, Inc.



In order to respond to comments on the DEIRs on both projects, the approach taken has been to review the project inventory, distinguishing between short-term and long-term development horizons, while striving for completeness in representing projects identified up to the present. Thus, project concepts or proposals which have arisen since April have been added to the cumulative project list and projects inadvertently omitted due to lack of information have been incorporated.

With regard to the longer-term, sites have been identified as potential projects for which, however, no specific development plans have been formulated. In these cases, a worst-case assumption combining a maximum of built space and maximal office use of that space was made. In many (if not most) cases where office is shown as the exclusive use in the long-term section of the table, mixed use--with retail and restaurant and service uses accompanying office use--is probably the more likely scenario, but the office focus helps assure that cumulative impacts will not be understated.

The result of this comprehensive review of potential projects is presented in the table on the next page.

#### Analysis of Cumulative Impacts

The importance of considering cumulative impacts lies in the fact that an individual project's effects are to be put into an evaluative perspective that reflects other environmental changes that can reasonably be anticipated to occur over the forecastable future of a project.

Thus, the transportation analysis of a project is normally considered in the context not only of existing conditions, but also of future conditions with the accumulated traffic generation of other new or expanded projects taken into account. The traffic analysis conducted for the DEIR took into account the projects identified in that document in Tables 2 and 3. The revised traffic analysis presented above takes into account the full set of building programs identified in the table on the next page.

Land Use. The DEIR states that the proposed project would represent the continuation of a trend of land use changes in the larger study area. In general terms, the land use pattern implicit in the cumulative project list will represent a higher intensity of activity than at present, with traditional manufacturing jobs gradually giving way to a variety of office- and retail/service-based business users. This trend is not in and of itself an adverse impact, as the DEIR points out. (Indirect impacts in the areas of employment and housing are described below.) The expansion of the cumulative project list simply extends the picture already described in the DEIR.

Employment and Housing. The project list is indicative of the fact, pointed out in the DEIR (p. 136), that a large amount of commercial space has already been permitted in this area. Aquatic Park Center is part of a land use trend emphasizing employment expansion and intensification, but is not the cause of such a trend. The existence of the trend means that West Berkeley may be less likely that it would be otherwise to experience housing expansion to any significant degree. The DEIR points out (p. 64) the difficulty of attempting to address employment and housing goals of the communities simultaneously on any one site or in any one area. The provision for the continuation of some live-work space at the site is a gesture in the direction of preserving some housing opportunities in what has historically been an employment area. However, taken altogether, the cumulative impacts of the projects listed tend away from housing provision.





## DEVELOPMENT PROJECTS INCLUDED IN THE CUMULATIVE IMPACTS ANALYSIS

Project	Location	Building Program	Use(s)
FIVE YEAR HORIZON: SOUTHWEST BERKELEY <sup>a</sup>			
1. Carleton Street Business Center	Carleton/7th, SW	293,610 sf <sup>b</sup>	Office/R&D (225,895 sf), Warehouse (67,715 sf)
2. Wareham Office Building (AAA)	Anthony/7th, NE	10,000 sf	Professional Office
3. Mighetto & Youngmeister	Grayson/7th, SW	10,000 sf	Professional Office
4. Whole Earth Access (expansion)	Potter/7th, SW	12,000 sf	Retail
5. Berkeley Auto Mall	Ashby West of 7th	160,000 sf	Auto Showroom, Service and Offices
6. Berkeley Business Center <sup>c</sup> (initial conversion)	San Pablo/Heinz, W (old Heinz Plant)	54,000 sf	Office
7. Parker Plaza (conversion)	Parker/9th, NW	22,000 sf <sup>d</sup>	Office
8. Kershaw Building	San Pablo/Channing	12,000 sf	Office/Retail
FIVE-YEAR HORIZON: EMERYVILLE			
9. Bay Center Office Development	I-80, 65th Street, SPRR, 64th Street	325,000 sf	Office
10. Bay Center Apartment Development	Same, East of Christie Ave. Extended	550 apts.	Residential
11. Boxcraft/P.I.E. Site (conversion)	I-80/Powell	160,000 sf	Retail
LONG-TERM (CA. 2010) HORIZON: <sup>e</sup> SOUTHWEST BERKELEY AND EMERYVILLE			
1. Berkeley Waterfront Plan	Bayfront	565,000 sf	Hotel (465,000 sf), Retail and Restaurant (68,000 sf), Conference Center (32,000 sf)
2. Langendorf Site (conversion)	Anthony/7th, SE	70,000 sf	Office
3. Ducommun Site	Parker/7th, SE	110,000 sf	Office
4. Berkeley Business Center (balance of conversion)	San Pablo/Heinz, SW	250,000 sf	Office (80%), Retail (20%)
5. Airco/Temescal (conversion)	7th	160,000 sf	Office
6. Kawneer ("Sawtooth") Building (conversion)	Parker/8th, SW	50,000 sf	Office
7. Oscar Krenz (conversion)	Potter/5th, S	90,000 sf	Office (50%), Retail (50%)
8. Consolidated Freightways Site	2515 Parker	64,000 sf	Office
9. Emeryville Bayfront Plan	Bayfront	Either:  Or:	3.1 million sf Office/Retail and 1,500 Housing Units 1.3 million sf Office/Retail and 4,300 Housing Units

sf = square feet

<sup>a</sup> All of the first 11 projects (with the exception of Berkeley Business Center) have already been approved.<sup>b</sup> First phase of a project with a theoretical capacity of twice this size.<sup>c</sup> See balance of project at Item 4 below.<sup>d</sup> Represents the amount of space remaining to be occupied as of mid-October 1986.<sup>e</sup> No specific applications have been received on these sites, with the exception of the above-mentioned Emeryville projects. In cases of incomplete information, a worst case assumption was made emphasizing office use; most of the projects, however, are more likely to be mixed-use than exclusively office.



## Cumulative Traffic Impacts.

Local Intersections. Revised Table 20 compares the traffic impacts from the Berkeley Waterfront and Emeryville Bayfront Plans with those generated by the proposed Aquatic Park Center and the near- and long-term cumulative projects.

Revised Table 20 shows that the cumulative near-term projects, C-1 through C-11, will impact all of the critical intersections analyzed most substantially. All of the intersections in the Seventh Street corridor with the exception of Dwight/Seventh (i.e. Ashby, Anthony and Heinz) as well as the intersection of San Pablo/Ashby, would operate under conditions of severe congestion and total breakdown of traffic flow during the peak periods.

The long-term potential development (C-12 through C-18) would impact the critical intersections somewhat less seriously, though the percentage of growth accounted for by these projects approaches 40 percent in two instances (see Revised Table 20, intersections 3 and 4).

The Berkeley Waterfront Plan will have only modest impacts on any of the intersections with Emeryville producing a more sizeable impact, especially on the Ashby/Seventh Street intersection (2), which is already operating at an oversaturated F LOS level in the PM peak hour.

*Cumulative traffic impacts may result in changes in recording.*  
Revised Table 20

Vehicles Entering Critical Intersections  
PM Peak Hour  
Aquatic Park Center, Cumulative Projects C-1 through C-18  
and Waterfront Plans  
(percent of traffic growth)

Project	Critical Intersection Number				
	1	2	3	4	5
Aquatic Park Center	91 (3%)	157 (3%)	362 (10%)	187 (7%)	187 (9%)
Cumulative Projects <sup>a</sup> C-1 through C-11	2,124 (65%)	2,078 (46%)	1,605 (44%)	1,272 (47%)	1,074 (51%)
Cumulative Projects <sup>a</sup> C-12 through C-18	663 (20%)	1,140 (25%)	1,392 (39%)	993 (37%)	578 (28%)
Berkeley Waterfront <sup>b</sup>	100 (3%)	100 (2%)	50 (1%)	50 (2%)	50 (2%)
Emeryville Bayfront <sup>c</sup>	300 (9%)	1,040 (24%)	200 (6%)	200 (7%)	200 (10%)
TOTALS	3,278 (100%)	4,515 (100%)	3,609 (100%)	2,702 (100%)	2,089 (100%)

<sup>a</sup> Revised Tables 9a, 9b, and 9c provide detailed trip generation estimates for eighteen projects.

<sup>b</sup> Based on Berkeley Waterfront Environmental Impact Report.

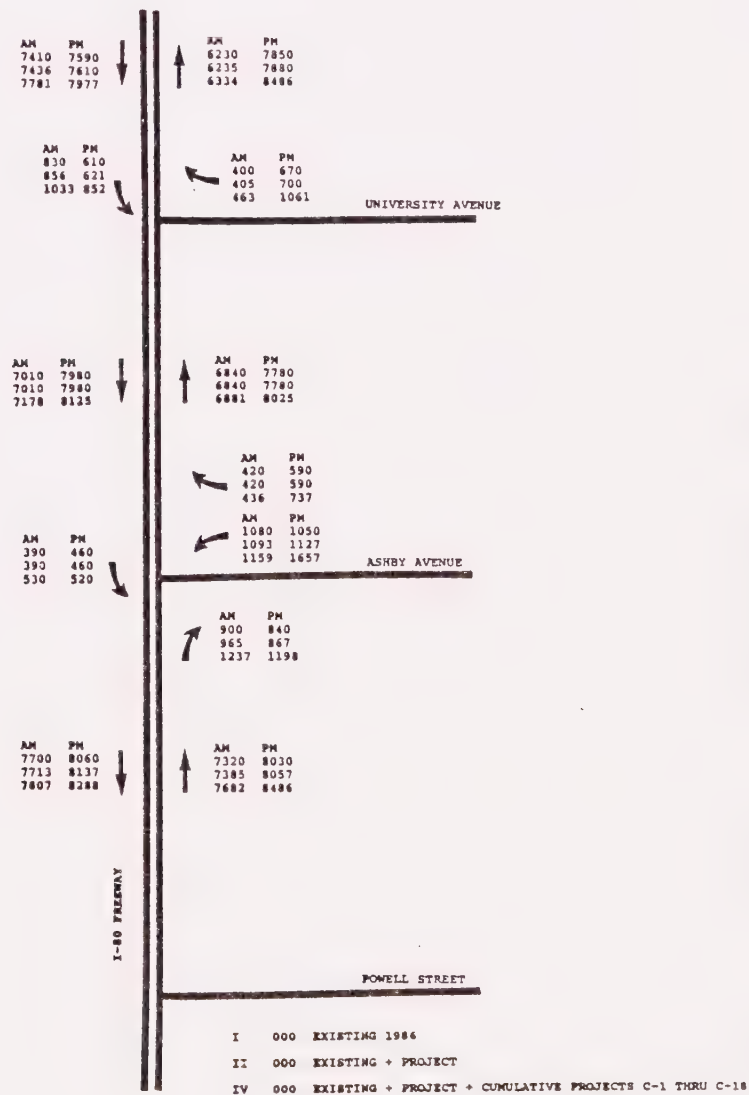
<sup>c</sup> Emeryville Waterfront Plan EIR, November, 1985.

Source: Kenneth M. Bankston and Associates, Inc.



Freeway Interchanges and Segments. Traffic volumes under Conditions I, II, and IV on Interstate 80 segments and the relevant on- and off-ramps are shown in the following figure.

Table 10b shows the LOS results of the near- and long-term cumulative projects. As the table shows, all of the on- and off-ramps will operate at acceptable LOS levels with the cumulative projects C-1 through C-18 with the exception of the Southbound on-ramp at I-80 and Ashby which will operate at an unacceptable LOS F in the PM Peak Hour. Many of the I-80 segments will continue to operate at unacceptable LOS levels. However, this analysis assumes the same lane geometry currently in place. Caltrans does plan to widen I-80; however, the portion of I-80 in Berkeley is not currently in their program. Even a planned widening will only provide a short-term improvement, as Caltrans acknowledges.



INTERSTATE 80 TRAFFIC VOLUMES  
A.M. and P.M. PEAK HOUR





Air Quality and Noise. Both of these environmental conditions relate directly to traffic generation, and the DEIR analysis took into account the cumulative impacts of the short-term development projects identified in Table 2 (p. 48) of the DEIR. Several identified or potential projects have been added to the short-term list, resulting in a potential increase of about one-third in the amount of office space to be added in southwest Berkeley above that considered in the DEIR, with an equivalent total envisioned to be added in Emeryville in the same period.

Cumulative air quality impacts were addressed in the DEIR analysis for the region (Table 14, p. 104) and for five critical intersections in the site area (Table 15, p. 105). These figures, the result of a modeling analysis, cannot simply be inflated proportionately to the increase in the cumulative project square footage in order to determine the effect of that increase on the forecast results.

However, it is important to consider whether the larger number of cumulative projects would be likely to cause exceedances of carbon monoxide standards. In the judgment of the air quality analyst, no exceedances of either the state one-hour standard (20 parts per million) or the federal eight-hour standard (9 parts per million) are likely. The site context has good air quality characteristics because of its location near the Bay: good air dilution because of wind results in a low level of pollution buildup. While there is no carbon monoxide monitoring in Berkeley, the monitoring station in Oakland (a city with a higher vehicle density) has reported few exceedances of carbon monoxide standards, and those are limited to a single year (1984). Thus, while a large total magnitude of development would result in increased emissions, air quality would be expected to remain within established standards.

As was indicated in the DEIR (p. 106), the noise environment of southwest Berkeley is characterized by a predominance of vehicle noise. The noise analysis conducted for the DEIR indicated that project traffic together with cumulative traffic would increase noise levels by less than one decibel (a level not noticeable) except on Anthony Street, where a nine decibel increase (doubling of loudness) would occur. Both of these impacts would rise given an expansion of the cumulative project list. However, Anthony Street impacts reflect primarily the project and would probably not rise much further even with the addition of other projects (whose traffic patterns would not rely on Anthony Street), while impacts on other streets would be dispersed. The key point of the noise analysis is that the pattern of land uses is consistent with the noise environment forecast, so that the uses proposed, including the additional cumulative projects, would continue to be "normally acceptable" for the context.

Public Services. The additions to the cumulative project list would cause further incremental increases in the demand for fire, police, water, sewer and storm drainage services beyond those discussed in the DEIR. Each such project would be reviewed by relevant service agencies for a determination of service adequacy and application of appropriate mitigation measures.

Fiscal Impacts. The additional projects would further improve the revenue generation potential of this part of Berkeley. The fact that West Berkeley is a developed area means that services are already being provided. Fiscal effects of cumulative development would be positive assuming the continuation of existing requirements for developer funding of certain kinds of service improvements. New development in conformity to current codes and with design features reflecting public safety needs is unlikely to pose unusual new problems for fire and police services. Thus, revenues can reasonably be expected substantially to outstrip costs, not only for Aquatic Park Center (DEIR, p. 130), but for other projects in the area.



### Mitigation Measures

The foregoing discussion indicates that the environmental condition which would experience the most significant deterioration due to the additional projects incorporated in the revised cumulative impact analysis would be transportation.

The transportation network is known to be operating at poor service levels presently, and whether or not the project is developed, these conditions can be expected to worsen. There is a need for Berkeley to address transportation problems of this part of the city in a concerted and coordinated manner, ideally in cooperation with the City of Emeryville, looking toward identification and implementation of measures that will benefit both cities as well as existing and new land uses in the area.

The eighteen mitigation measures listed in the DEIR (pp. 98-101), with the exception of those which have been incorporated into the project by the applicant, continue to be recommended. Furthermore, a more comprehensive planning effort in West Berkeley, which would include a transportation and circulation study of the area, is clearly warranted. During the course of that study, the city may decide it appropriate to impose a moratorium on development until specific roadway improvements (and funding mechanisms) and other mitigations have been designed.

As part of the West Berkeley Plan process, the city's goals in regard to employment of local residents and housing production on appropriate sites should also receive focused attention. Not only are these issues important in their own right, but they interrelate with the issue of traffic. The type of development encouraged by the city for this area could have a significant impact on the volume of traffic experienced.

*Transit should be encouraged to  
advise riders of pending and current  
route changes*



Extensive soil sampling by Peter Kaldveer and Associates was done as part of the foundation feasibility analysis (Kaldveer, 1985). The results of these soil borings were evaluated by staff at the California Archeological Inventory (CAI), Sonoma State University, who concluded that the soils samples were devoid of cultural resources.

Mundie & Associates contracted with Benjamin Ananian, Consulting Archaeologist, to investigate the presence of surface level cultural resources as well as to undertake borings in the northwest corner of the site (see map for location of borings) and analysis of the unearthed materials.

For this reason, no mitigation measures are recommended.







CHAPTER III

COMMENTS AND RESPONSES

STATE AGENCIES AND SPECIAL DISTRICTS





## DEPARTMENT OF HEALTH SERVICES

2151 BERKELEY WAY  
BERKELEY, CA 94704

AUG 20 1986

ZONING DIVISION

August 18, 1986

Gil Kelley, Senior Planner  
City of Berkeley  
Zoning Division  
2180 Milvia Street  
Berkeley, California 94704

Dear Mr. Kelley:

As per your request, the following are my staffs' comments on the Draft E.I.R. for Aquatic Park Center (Durkee Site), Berkeley.

Comments

The E.I.R. is well written and comprehensive. It voices all Department of Health Services (DHS) concerns and accurately characterizes the site at the time it was drafted. However, there are several additional cleanup activities that have occurred since. They are:

- o DHS has met with Wareham Development on June 3, 1986 to discuss the preparation of a Remedial Action Plan/Closure Plan for the site. This Plan will address all the "Public Health Considerations" stated on page 9 and 10 of the E.I.R. The Plan is expected to be received by August 22, 1986.
- o In an effort to clean up the site, several aboveground hazardous material storage tanks, the wash rack, and associated piping have been removed.
- o Additional soil sampling for hazardous wastes has been completed and are awaiting laboratory analysis.
- o DHS has also met with Gary Scheffler of East Bay Wash Rack on June 4, 1986. Mr. Scheffler agreed to remove and dispose of properly all hazardous materials on-site and conduct sampling for possible residuals.

In our discussions with Wareham Development, we have requested a Remedial Action Plan/Closure Plan which will address all DHS concerns and provide a cleanup plan ultimately designed to close the site. At this time we expect this plan to be submitted by August 29, 1986 and to contain a summary of cleanup activities performed



Gil Kelley

- 2 -

August 15, 1986

since June 1986. Once all concerns have been addressed, DHS intends to start the closure process. If you have further questions concerning this site, please contact Stephen A. Cimperman of my staff at (415)540-2043.

Sincerely,

A handwritten signature in dark ink, appearing to read "D.R. Hoenig", followed by a horizontal line and a small flourish.

Dwight R. Hoenig, Chief  
North Coast California Section  
Toxic Substances Control Division

DRH:sac:ron

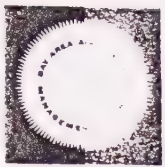




Response to Comment 1

This letter describes the ongoing process by which the Department of Health Services, State of California, approves the closure of a land use like this one and is hereby noted.





# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

August 13, 1986

AUG 14 1986

ZONING DIVISION

City of Berkeley  
Planning and Community  
Development Department  
2180 Milvia Street  
Berkeley, CA 94704

Attention: Gil Kelley  
Senior Planner

Dear Mr. Kelley:

We have reviewed the Draft EIR for the Aquatic Park Center Project (Durkee Site). The proposed mixed-use project would include development of office, retail, and possibly light industrial and R&D uses on about six acres of land. The project site is located on Heinz Avenue between Seventh Street and the Southern Pacific Railroad tracks.

The DEIR indicates that contaminated soils on the project site may require cleanup. Depending on the method of cleanup, contaminants may become airborne, and the cleanup operation may require a permit from the District. In addition, light industrial and R&D uses locating at the project site may require District permits.

We recommend that the project sponsor and industrial developers contact our Permit Services Division at (415) 771-6000, extension 215 for information on permit regulations. We also recommend that the Final EIR note the potential need for District permits for the construction and operation phases of the proposed project.

If you have any questions, please contact Jean Roggenkamp, the Planner in our office.

Sincerely,

Milton Feldstein  
Air Pollution Control Officer

MF:ey



Response to Comment 2

Comments noted. The project sponsor would be responsible for securing all necessary permits from the Bay Area Air Quality Management District (and any other agencies with permitting authority over the proposed project).





## OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET  
SACRAMENTO, CA 95814AUG 18 1986  
ZONING DIVISION

August 15, 1986

Gil Kelley  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704Subject: Aquatic Park Center (Drukee Site)  
SCH# 86071501

Dear Mr. Kelley:

The State Clearinghouse submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is closed and the comments of the individual agency(ies) is(are) enclosed. Also, on the enclosed Notice of Completion, the Clearinghouse has checked which agencies have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the package is not in order, please notify the State Clearinghouse immediately. Your eight-digit State Clearinghouse number should be used so that we may reply promptly.

Please note that recent legislation requires that a responsible agency or other public agency shall only make substantive comments on a project which are within the area of the agency's expertise or which relate to activities which that agency must carry out or approve. (AB 2583, Ch. 1514, Stats. 1984.)

These comments are forwarded for your use in preparing your final EIR. If you need more information or clarification, we suggest you contact the commenting agency at your earliest convenience.

Please contact Norma Wood at 916/445-0613 if you have any questions regarding the environmental review process.

Sincerely,

John B. Ohanian  
Chief Deputy Director  
Office of Planning and Research

cc: Resources Agency

Enclosures



## + to Norma

NEW YORK BRANCH

NO. 86071501

- CLIPPING/GOOSE CONTACT:
- Norma West*
- STATE REVIEW BEGAN: 7/16
- DEPT. REVIEW TO AGENCY: 8/9
- AGENCY REVIEW TO SOE: 8/13
- SOE COMPLIANCE: 8/15
- 30-day review
- 28



### Response to Comment 3

No response necessary. The State Clearinghouse routinely sends a cover letter along with the comments it has received from State agencies. The comments of three such agencies follow.





# Memorandum

Norma Wood  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Date : August 6, 1986

File No.: ALA 080-PM 4.58  
SCH #86071501  
AL080019

## DEPARTMENT OF TRANSPORTATION - 4

Draft EIR - Aquatic Park Center Project (Durkee Site)

Caltrans has reviewed the above-referenced document and forwards the following comments:

### A. Trip Generation

1. Table 7: Should include rates for Industrial, R & D land uses (Table 8, Scenario Two, C & E, includes these land uses);
2. Table 8, Scenario Two, B: AM-IN trips should be revised to 29 (in lieu of 16);
3. Table 9:
  - a. C-1 Office AM-IN trips should be revised to 436 (in lieu of 384);
  - b. C-1 Warehouse AM-IN trips should be revised to 36 (in lieu of 88);
  - c. Note a. should be revised to refer to Table 7 (in lieu of Table 8)

### B. Cumulative Projects

A comparison was made between the cumulative projects included in the analysis by the subject traffic study (project plus Table 9) and that by the Berkeley Waterfront Plan (Table 3 & Figure 16) for the area encompassed by Route I-80, Ashby Ave. (Route 13), San Pablo Ave. (Route 123) and Dwight Way. (See following Table). Both documents are dated June 1986 and were prepared for the same lead agency, the City of Berkeley Planning and Community Development Department. The land use data on which the traffic projections of these two reports are based should be mutually consistent. :

<u>Project</u>	<u>Gross Square Feet, in Thousands</u>	
	<u>BWF</u>	<u>APC</u>
Auto Mall, 7th&Potter (Berkeley Auto Mall North)	75	80
Mighetto & Youngmeister, 8th&Grayson	10	10
Whole Earth Access, 7th&Potter	12	12
Aquatic Park Center Exp., 7th&Heinz	150	127.6/128.2
7th&Carleton St. Business Center	587	293.6 *
Langendorffs Bakery, 7th&Potter 40	12(+70)	-



Ducommun Plant, 7th&Parker	110	-
Wareham Office Building	-	10
Berkeley Auto Mall South	-	80

\* Difference (from BWF) explained on page 87

### C. Trip Distribution

The text on page 87, and Figure 25, intermingle the distribution and assignment concepts; these are two separate phases in trip projections modeling.

The trip distribution - from producing to attracting traffic zones - needs to be stated (in volumes or percentages) and corroborated as to source and/or model used. It should be representative of regional socio-economic patterns not of some past year, but of the year of projection - per text on page 87, apparently five years hence. For instance, per Figure 25:

1. 27% of the trips attracted to the developments (presumably both project and cumulative) would be coming from the "South Bay". How was this comprehensive percentage derived? Does it reflect projected 1991 or 1992 housing and employment patterns in the region --- and especially Southern Alameda County? Is it appropriate for both a) Home-Base-Work trips (which are of greater average length and are major components of the AM peak trips) and b) Home-Base-Shopping trips (which are of more local character and a major contributor to the PM peak trips from commercial attractors.)?
2. A total of 11% of the traffic was attributed to productions in "Central Contra Costa County"; 5% were assigned to I-80 (and it is not clear whether north via Route 4 or south via Route 24), and 6% to Ashby Ave. (Route 13). Do the two percentages represent trips produced in the northern and southern portions of CCCC, respectively? If so, the distribution coverage should treat them as from separate zones. Or were they lumped together, and assigned to different paths by estimate?

### D. Trip Assignment (See also item C, above)

1. Was a computer model used to assign the distributed trips to the different available paths, choosing the fastest and/or most convenient routes? Or was this accomplished based on occasional observations and judgement?
2. At least two of the assignment percentages shown on Figure 25 (and their corollary percentages) appear not to be realistic:
  - a. 44% (12/27) of the "South Bay" trips are projected to access the site area via Seventh Street south of Ashby (via Folger Ave. ?);



- b. All of the "North Bay" trips would access via Sixth Street (and University Ave.).

These assignments need to be re-evaluated and revised and/or corroborated. It would seem that virtually all of the "South Bay" traffic would use Ashby Ave. to access I-80 or San Pablo Ave., and that a substantial percentage of the "North Bay" traffic would use the Ashby/I-80 interchange.

11

#### E. Traffic Impacts on the State Highway System

These impacts should be shown:

1. In terms of both AM and PM peak hour volumes (and ADT);
2. By means of diagrams showing existing, existing plus project-generated, and existing plus project-generated plus cumulative volumes;
3. At all proximate access ramps to and intersections with State highways, and there in terms of thru and turning movement volumes (12 per peak in the case of 4-leg, 2-way intersections). Per Figure 25, this would include the following:
  - a. Seventh & Ashby Intersection
  - b. San Pablo & Ashby "
  - c. Dwight Way & San Pablo "
  - d. Ashby/I-80 Ramps
  - e. Heinz & San Pablo Intersection (?)
  - f. University/I-80 Ramps (if the 19% assignment of "North Bay" traffic to Sixth Street north is corroborated or not significantly reduced).

12

13

14

Note that it appears, from Table 10, that at least for the two Ashby intersections, the turning movement volumes were calculated (but not shown).

#### F. Existing Traffic Volumes

Per Figure 22, the PM peak hour volume on Ashby between I-80 and Seventh Street is shown to be only 3.2% (1060/33,190) of the ADT. This low volume and percentage needs to be verified. (The Berkeley Waterfront Plan DEIR, Figure 43, shows a PM peak hour volume of 2640).

15

#### G. Corrections/Clarifications

1. Page 76, 6th paragraph: Caltrans questions the assumption that "... those accessing from the South Bay will use State Route 13 and Interstate 580." More likely the route is 80 & 880 (17).
2. Page 87, 5th paragraph: "... 360 two-way trips ..." is vague terminology. Is this actually 720 one-way trips, or 360 one-way trips distributed both ways?

16

17





3. Page 97, Table 11: This table is mislabeled. It shows the growth of traffic in the critical intersections, but is labeled to indicate total vehicles - far from true.

18

#### H. Mitigation

The City of Berkeley should collect appropriate fees which can be used towards needed channelization and signal modifications on Ashby (Route 13) at Seventh and at San Pablo (Route 123).

19

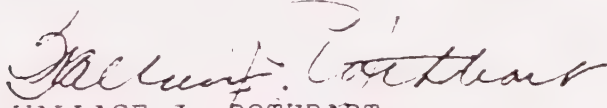
#### I. Summary

1. This environmental document does not discuss the impacts of project-generated and cumulative growth traffic on I-80 and on the Ashby Avenue and University Avenue interchanges. Project-generated PM peak hour traffic is shown in Figure 26, page 89. Based on this traffic, it does not appear that the project by itself will have a substantial impact on I-80 or the above-noted interchanges. However, it could contribute to increased congestion on I-80, which is already congested during the PM peak period.
2. This environmental document does not analyze AM peak hour traffic conditions. We recognize that, in most cases, the PM peak hour has the worst traffic conditions during the day. However, in this area westbound I-80 is operating at capacity north of Berkeley during the AM peak period. Congestion on westbound I-80 is already severe. Project-generated and cumulative growth traffic will exacerbate that congestion. This adverse impact, if significant, should be discussed in this environmental document as required by CEQA regulations.

20

21

Should you have any questions regarding these comments, please contact Burdette Connor of my staff at (415) 557-9192.

  
WALLACE J. ROTHBART  
District CEQA Coordinator

330



#### Response to Comment 4

Because the project is a mixed-use development of industrial/R&D/retail, not specifically designated in square footage by land use type, the higher rates of Office uses (under 100,000 square feet) were used since this would tend to present a worst case impact scenario (see rate for Office Type B, Table 7, DEIR).

#### Response to Comment 5

Comment noted. The AM-In trips in Table 8, Scenario Two, B should be revised to 29.

#### Response to Comment 6

Comment noted and revisions to table made (see supplemental Traffic Analysis, above, p. 9)

#### Response to Comment 7

Please see the revised list of cumulative projects (Table 20) and corresponding revised tables and figures in the supplemental Transportation analysis, above.

#### Response to Comment 8

The transportation consultant disagrees that there is any intermingling of distribution and assignment concepts in the Draft EIR. The two terms are both used, but in a way which is conventional for traffic analysis of this type.

The trip distribution used in the DEIR and the supplemental analysis above is consistent with recent environmental analyses prepared for the City of Berkeley and is based on work by the Metropolitan Transportation Commission (MTC) deriving from the 1980 Census, Journey to Work statistics. Those data reflect the housing and travel patterns which existed in late 1979. The trip distribution figures used in the DEIR and supplemental analysis for future years are based on the professional judgment of the transportation consultant.

#### Response to Comment 9

Please see previous response.

#### Response to Comment 10

A computer model was used to assign trips to the shortest time path.

#### Response to Comment 11

As can be seen in Figure 26 (p. 88, DEIR), only 12 percent of the trips are assigned south of Ashby on Seventh/Hollis. Project traffic to/from the north was not assigned to I-80 at Ashby Avenue because it is anticipated that due to congestion on I-80, the shorter time path for project traffic would be to travel north on Seventh Street. However, traffic from cumulative projects located in Emeryville was assigned to North I-80 at Powell and at Ashby via Bay Street.



#### Response to Comment 12

See supplemental Transportation analysis, above (p. 9) where both AM and PM peak hour volumes have been included.

#### Response to Comment 13

See supplemental Transportation analysis, above (p. 9).

#### Response to Comment 14

Analysis was performed at intersections a, b, d and f. Intersections c and e were not included in this analysis because they are not significantly effected.

#### Response to Comment 15

Supplemental traffic volume counts conducted on October 22, 1986 showed this number should be 2,599.

#### Response to Comment 16

The paragraph in question has been revised in the supplemental Transportation analysis to include SR 13, I-880, I-80 and I-580.

#### Response to Comment 17

The terminology used is standard for traffic analysis of this type. It means 360 one-way trips distributed in both directions.

#### Response to Comment 18

The table in question has been relabeled "Project Generated Vehicles Entering Critical Intersections". The footnote on page 97 (DEIR) provides an explanation of the table.

#### Response to Comment 19

See page 101, DEIR, Mitigation Measure 14, where it is recommended that the developer participate in any areawide transportation improvement fund or future transportation assessment district formed in the area for areawide improvements. Improvements at Seventh Street and Ashby Avenue would fit into this category.

#### Response to Comment 20

Please see supplemental Transportation analysis above (Tables 7, 9a, 9b, 9c, 10a, 10b, 11 and 20 and Figures 22, 27a, and 27b) for analysis of impacts of project and revised cumulative project list on I-80 and the interchanges at University and Ashby Avenues.

#### Response to Comment 21

Please see supplemental Transportation analysis above for analysis of both AM and PM impacts on I-80 and the interchanges at University and Ashby Avenues. PM peak hour impacts were considered the worst case for the critical intersections in this analysis and therefore AM peak hour impacts were not analyzed.







AUG 1 1986  
ZONING DIVISION

ADDRESS ALL COMMUNICATIONS  
TO THE COMMISSION

CALIFORNIA STATE BUILDING  
SAN FRANCISCO, CA 94102  
TELEPHONE: (415) 557-9884

T. S. Joe

## Public Utilities Commission

STATE OF CALIFORNIA

July 29, 1986

FILE NO. 183-1/EIR

Norma Wood  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Dear Miss Wood:

This is in response to the City of Berkeley's draft Environmental Impact Report for the Aquatic Park Center (Durkee Site), SCH #86071501,

The staff has reviewed this document and it appears that certain items of concern to us have not been adequately addressed. The items of concern are:

- 1) Out of the 9 or 10 spur tracks on the site, how many are to be removed? How many and which tracks will remain? 22
- 2) Since some of these spurs are presently designated as "Exempt", is the City aware that if these designated "Exempt" spurs remain that a new reevaluation is necessary? That the "Exempt" designation from the provisions of Section 22452 of the California Vehicle Code may be lost? 23
- 3) The report states that a fence is to be installed along the railroad right-of-way to dissuade trespassers; however, the report does not indicate the length of the fence or the point of beginning and end. 24
- 4) Since a fence is to be installed, will it also serve as a noise barrier? What type and height is proposed? 25
- 5) Apparently, a traffic analysis was made for the major intersections within the area; was one made for the Ashby Avenue underpass (P.U.C. A-7.97-B)? Was a bicycle path considered in this analysis? In view of the general condition of the underpass, is it proposed to be improved, altered and/or changed? 26



July 29, 1936


Page 2

- 6) The proposed Pedestrian Bridge shown in Figure 9 on Page 27 indicates the structure will be an open structure. Is the City aware that the staff would probably require that it be enclosed with wire mesh or a similiar material to deter and prevent juveniles/ individuals from throwing objects at trains?

27

We suggest that the above be addressed in this draft E.I.R., thereby eliminating the need of a supplemental document at a later date. As stated on Page 59 of the report, the Commission will have permit/decision authority over the proposed Pedestrian Bridge. Should the City require additional information, please contact the staff at the above address and telephone number.

Very truly yours,

  
DONALD R. CHEW, Supervisor  
Transportation Projects Section  
Railroad Operations & Safety Branch  
Transportation Division

cc: Gil Kelley  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704



Response to Comment 22

According to the project architect, all of the spur tracks on the site would be removed.

Response to Comment 23

Because no spur tracks would remain on the site, this question is not applicable to the proposed project.

Response to Comment 24

The detailed plans for the fence along the western boundary of the site have not yet been finalized, but would be reviewed by city staff and the Board of Adjustments prior to approval.

Response to Comment 25

Please see Response to Comment #24, above.

Response to Comment 26

Please see Mitigation Measure 15, page 101 (DEIR), where this issue is discussed.

Response to Comment 27

The pedestrian bridge which is shown in the site plans and elevation drawings of the project (DEIR, Figures 5,6,9 and 10) has been deleted from the project since the publication of the DEIR. This comment therefore no longer applies to the project.



## m o r a n d u m

Ms. Norma Wood  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

Date: July 22, 1986  
File No. 2198.09

San Francisco Bay Regional Water Quality Control Board  
1111 Jackson Street, Oakland 94607

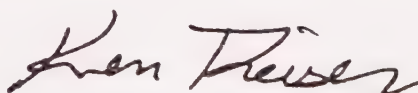
Draft Environment Impact Report, SCH No. 86071501  
Aquatic Park Center (Durkee Site), Berkeley, Alameda County

We have reviewed the subject Draft Environmental Impact Report, the following is the comment of this Regional Board regarding the proposed subject project:

Past usage of the proposed site may contain types of chemicals or materials that may posed a threat or may be classified as hazardous potential. The site closure plan and investigation must be coordinated with this office.

If you have any questions on these comments, please call me at 415/464-0803, or ATSS 8-561-0803.

Sincerely,



Kenneth Theisen  
Hazardous Waste Section







Response to Comment 28

Comment noted. The project sponsor would be responsible for securing any necessary permits from the San Francisco Bay Regional Water Quality Control Board. (See also Response to Comment 1.)



CITY OF BERKELEY





# City of Berkeley



Planning and Community Development Department  
Zoning Division  
Martin Luther King, Jr.  
Civic Center Building  
2180 Milvia Street  
Berkeley, California 94704

(415) 644-6570

TTY (415) 644-6915

## MEMORANDUM

August 21, 1986

TO: Members of the Board of Adjustments

FROM: Gil Kelley, Senior Planner for Environmental Review

SUBJECT: LANDMARKS PRESERVATION COMMISSION COMMENTS ON DURKEE EIR

At its regular meeting of August 18, 1986, the Landmarks Preservation Commission (LPC) made the following comments on the Draft EIR for the Aquatic Park Center (Durkee site) project. The first is a motion (unanimous approval) which sets forth the general finding of the Commission, and incorporates the specific comments which follow it.

### General Finding

That, in addition to the specific comments made by Commissioners at the August 18, 1986 meeting (set forth below), the Landmark Preservation Commission finds the Draft EIR for this project inadequate, because it does not identify the effect of proposed demolitions on specific features of the site which define its historic, cultural and architectural value. These features include: the courtyard, smokestack, 810 Heinz building, and Experimental Kitchen.

29

Additionally, the Commission finds that the EIR does not provide adequate information on the effects of changes to the site, necessary to make the eventual findings for demolition requests under Section 3.24.260 (c)(2) of the Landmarks Preservation Ordinance. (copy attached)

30

Finally, the Commission shares the view expressed by the Berkeley Architectural Heritage Association in its letter of August 13, 1986 to the Board of Adjustments, that the sections of the EIR which treat historic, cultural and architectural issues be rewritten. Also, the Commission strongly endorses the letter sent by Commissioner Joe Marsh, dated August 13, 1986, to the Board of Adjustments.

31

### Specific Comments:

- Why aren't other design scenarios considered in the EIR's evaluation of impacts? There are 5 structures; the impacts of conserving or demolishing various combinations should be examined.
- The project's relation to the Copra building should be evaluated, in terms of both design and use, including future uses of the Copra building.

32

33





- The alternative discussion should be expanded to more fully discuss the impacts of the alternatives, rather than simply posing them as options. 34
- The effect of keeping the 810 Heinz and Experimental Kitchen buildings should be evaluated. 35
- An explanation of why some buildings are deemed worth retaining and others not, is needed. 36
- The EIR should recognize that the courtyard is an historically important feature of the site. 37
- The EIR does not provide the information necessary for the LPC to make informed judgements about the demolitions and new development under local law (Landmarks Preservation Ordinance). The local issues should not be sidestepped by saying that the site does not qualify under National or State standards. What are the specific impacts of taking these structure down? 38
- The EIR should state whether adverse impacts can be avoided, and if not, why. 39
- The EIR should recognize that beyond architectural merit, the site has historic and cultural value now, as it functions now (and in recent history). 40
- In the initial scoping session, the consultants cited 3 issues which were to be addressed in the EIR, whic were not adequately addressed in the Draft EIR: 41
  - How valuable is the existing smokestack to the landmark status of the site?
  - What on-site buildings merit preservation?
  - How compatible would the project's structures be with the streetscape, and the surrounding buildings.
- The EIR should take the specific portions of the site and discuss each, e.g. how they are contributed to, or detracted from, by the proposed new development. For instance, the Durkee building - how is it enhanced or not enhanced by the new features? 42



- The impacts or importance of landscaping should be examined. 43
- In our motion to landmark the site, the role of open space on the site played a very important part. How will this be changed? How will the feel of the spaces be changed? 44
- Under our Ordinance and under CEQA we must balance economic interests and other environmental considerations. On the basis of the present EIR we have no idea whether the impacts would be mitigated or whether a finding of "overriding considerations" will be required. There are no facts as to whether a certain plan might mitigate the losses to the site (demolitions and in filling), or whether the other benefits of the project (jobs, etc.) are to make up for these losses. 45
- Are there feasibility reasons why there is no better proposal than tearing down 3 of the buildings? 46
- The document has not given credence to the reasons why we landmarked the site. This is necessary before impacts can be assessed. The landmarking of the site represented a response to the concern of the community, not just of the Landmarks Commissioners. 47
- The EIR should recognize that the site is large enough to accommodate everyone's desires: preservation, new construction, uncovering of the creek, etc. These are not necessarily trade-offs against one another. 48
- The document must analyze the spacial and visual effects of altering the present features of the site. For instance, by removing 810 Heinz, what is done to the streetscape, how will the Durkee and Copra buildings there fit into context. 49

#### Attachments

- Excerpt Chapter 3.24 B.M.C.
- Letter to Board of Adjustment  
from Commissioner Marsh



Excerpt:

LANDMARKS PRESERVATION ORDINANCE

Chapter 3.24 Berkeley Municipal Code  
Pages 14 & 15

3.24.260 Permit Application--Review Standards and Criteria.

- A. The commission shall be guided by the standards in this section its review of permit applications for work on a landmark site, or in an historic district or on a structure of merit site. In appraising the effects and relationships mentioned herein, the commission shall in all cases consider the architectural style, appearance, arrangement, height, design, texture, materials, color and appurtenances and such other facts as may be relevant.
- B. In all instances, the proposed work shall be as appropriate for and as consistent with the purposes of this chapter as is possible within the peculiar circumstances of the owner of the property and preservation or enhancement of the characteristics and particular features specified in the designation.
- C. Approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in subdivisions 1 and 2 below:
  - 2. For permit applications for demolition: The commission shall find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district or structure of merit site in its utilization.





#### Response to Comment 29

Please see The Site's Landmark Status above (p. 5).

#### Response to Comment 30

Comment noted. In requesting from the EIR consultants information which would allow findings regarding the feasibility of structural demolition, the LPC is evidently asking for detailed financial data on the project. The EIR consultants believe that the EIR is not the appropriate fact-finding instrument for questions of the project's financial feasibility or the financial feasibility of potential design or use alternatives. As part of the discussion between the Office of Economic Development and the applicant, some financial information may have been provided which would be helpful, but the EIR consultants are not aware of specific materials. The LPC may wish to consider the financial feasibility of the project at its hearing on the request for a demolition permit by seeking input from both the applicant and city's Office of Economic Development

A framework for looking at design alternatives is presented above (pp. 6-8).

#### Response to Comment 31

Please see The Site's Landmark Status, (p. 5).

#### Response to Comment 32

The DEIR includes analysis of two scenarios designed by the project sponsor and three alternatives (including a preservation alternative, a restricted land use alternative and the no project alternative). These five alternatives collectively reflect an adequate range of conditions for the purpose of assessing a variety of potential environmental effects. As is more completely discussed in the supplemental analysis above, an EIR cannot be an exhaustive design study.

Furthermore, the persisting wide disagreement among members of the public, members of the LPC and Board of Adjustments and city staff as to the relative costs and benefits of demolishing/retaining various structures suggests that a common basis for reaching objective non-judgmental conclusions regarding these issues is lacking.

#### Response to Comment 33

According to the project sponsor and project architect, every attempt has been made to acquire and incorporate the Garr (Copra) Building (see Figure 18, Photo 4, p. 39, DEIR) into the proposed project. Failing in these attempts the project sponsor has designed a project which excludes this property. However, as part of the response to recommended mitigation measures, the developer has moved the new west office building and expanded the garage, which have the effect of visually incorporating the Garr Building into the site's cluster of buildings.

At present, there is no known intent to change either the design or use of this structure by its owners.





#### Response to Comment 34

The long-time designation and historical use of this site as light industrial/manufacturing suggested the appropriateness of looking at alternatives like the two design/use alternatives shown in the DEIR. The DEIR explains that some environmental topics would be equally of concern under virtually any development proposal at the site. Other environmental impacts are analyzed at a level of detail consistent with their selection as alternatives for a CEQA document (see pages 142-145).

For the reason stated above (see Response to Comment #32), it is the EIR consultant's judgment that the textual discussion of the potential design impacts of the project and potential alternatives has gone as far as it can to contribute to the resolution of these issues. The supplemental analysis above provides a framework for the LPC to use in its deliberations.

#### Response to Comment 35

The DEIR addresses two effects of retaining the Utility Buildings. On page 142, the concern over remedial actions to reduce health hazards from the transite in the buildings is discussed. On page 56, it can be inferred that the EIR authors do not believe retention of these buildings would allow a better re-creation of the previously existing courtyard.

#### Response to Comment 36

Combining the descriptive information provided in the Historic Setting (pp. 31-35, DEIR) and the photographs of the site with the analytical sections on Historic and Architectural Resources Impacts (pp. 55-56) and Site Plan and Urban Design Impacts (pp. 56-57) substantiates the professional evaluation by Mr. Gray Brechin, Architectural Historian, that the Durkee Building, and in this context perhaps the Spice Building, is worth retaining.

Using accepted historic preservation criteria (whether a building/site is unique or unusual, how old it is, how good an example it is, and whether a building contributes to an integrated site), other structures onsite do not meet non-local preservation criteria.

#### Response to Comment 37

Comment noted. The EIR authors agree that the courtyard was an historically important element of the site and it is described as such on page 46. However, as explained in the DEIR (p. 56), demolition of the Winterizing Building (completed prior to the start of analysis undertaken for the EIR):

...effectively weakened the sense of enclosure of the loading area, or courtyard, on the eastern portion of the site. The courtyard, which once served as a central meeting place for the community of people living and working on the Durkee site, has been substantially eliminated and the large spaces which remain on the site have dramatically altered its appearance.

Revisions to the project as described in this FEIR include an attempt to revive the feeling of a courtyard where the previous one existed.



#### Response to Comment 38

Under the revised project plans, two buildings (810 Heinz and the Experimental Kitchen, sometimes referred to collectively as the Utility Buildings) would be subject to demolition. Other onsite structures including the Durkee Building, the Spice Building and the smokestack are proposed for retention.

It should be reiterated to the reader that EIRs do not provide advice with regard to legal matters. The responsibility for determining the consistency of an individual project with a city ordinance is the LPC's. The EIR has been prepared by professional consultants whose technical abilities and experience in environmental analysis have been brought to bear on this project. While not giving advice regarding the law, the EIR does provide the LPC with a full informational foundation on which to base its deliberations.

#### Response to Comment 39

Please see The Site's Landmark Status above (p. 5).

#### Response to Comment 40

The DEIR recognizes architectural merit in the Durkee Building. The industrial history of the site is well documented in the DEIR, both in the main text (pp. 31-33 and Figures 14 and 15) and in Appendix E (Application for Landmark Designation). The DEIR also provides a detailed description of the economic activities which occur onsite and among businesses in the southwest Berkeley community (see p. 46).

#### Response to Comment 41

A. The smokestack is proposed for retention in the revised project plans.

B. See Response to Comment #36.

C. The existing streetscape along Heinz Avenue as well as on Fifth Street, Potter Street, Anthony Street and Seventh Street, is heterogeneous in its setbacks, heights, building materials and land uses. Furthermore, it has been quite dynamic in recent years and will likely continue to evolve. For these reasons, and also because the project as shown in plans and elevations appears to offer a variety of structural types, it is the EIR consultants' judgment that the project is not fundamentally incompatible with the existing streetscape or visual setting.

#### Response to Comment 42

Consideration of issues such as urban design and historic preservation is important on a project such as this. However, the level of detail requested in this comment is both beyond that which would be useful in an EIR, and (as explained in Response to Comment #34) unlikely to help create consensus or clear impact findings on which all those with disparate opinions could agree. This is the point at which the EIR must be differentiated from the more detailed analysis and deliberations that would be required during permit hearings.



#### Response to Comment 43

The importance of landscaping selection is noted in the DEIR (p. 57). At the time of DEIR publication, a project landscape architect had only recently been selected. From the perspective of CEQA, it would be difficult to label a landscaping plan (versus another, or some variation thereof) as a Significant Adverse Impact. Consideration of landscaping is better addressed at the time the LPC considers demolition permits and the Board of Adjustments considers the project's Use Permit.

#### Response to Comment 44

The major open spaces on the site are shown in the revised site plan (p. 4). As shown there, the area between the proposed mixed-use buildings (lettered C and E) and the Durkee and Spice Buildings would be recreated as a courtyard, similar to the historic courtyard. The east/west linear open space would be a walkway of approximately fifty feet in width, with landscaping adjacent the structures. Other major open spaces on the site would serve as at-grade parking areas. These parking areas are shown with trees along their perimeter and in some of the intervening islands

#### Response to Comment 45

Please see The Site's Landmark Status above (p. 5).

#### Response to Comment 46

As noted in Response to Comment #38, two buildings are proposed for demolition under the revised project plans. It would be difficult to establish infeasibility definitively. However, it is known that rehab costs for structures of the type involved can be very high with resulting building quality and design nevertheless inferior to new construction.

#### Response to Comment 47

Comment noted. The DEIR describes in detail the history of the landmark designation process, provisions of the ordinance and the rationale underlying the LPC's decision to landmark the site (pp. 33-35). Also included (Appendix E) is the application for landmark designation, a seven-page memo on the subject. Furthermore, the DEIR explicitly describes the testimony of neighborhood residents at the LPC meeting as being "eloquent and convincing" (p. 35, DEIR).

#### Response to Comment 48

Comment noted. The revised project plans described above (pp. 2-4) present clear testimony of the gradual realization of this goal with regard to the great majority of persons who have an interest in the review of this project. On the other hand, it is evident that some refinements to the project or compromises among interests must await stages in project review beyond certification of an FEIR.

#### Response to Comment 49

Please see Responses to Comments #41-C and 42.





# City of Berkeley



TRANSPORTATION COMMISSION  
2180 MILVIA STREET, BERKELEY, CALIFORNIA 94704

(415) 644-6534

TO: Gil Kelly, Senior Planner

FROM: Miguel Iglesias, Acting Transportation Commission Secretary

SUBJECT: AQUATIC PARK CENTER PROJECT

The Transportation Commission, on their August 5, 1986 meeting, made the following comments on the Aquatic Park Center Project (Durkee Site) E.I.R:

- The projected levels of service at the critical intersections in the area (Table 10, p. 93) are unacceptably low, even considering the mitigation measures. As the E.I.R. shows the low level of service results not only from the Aquatic Park Center but mainly from other projects planned in the vicinity. 50
- This E.I.R. underestimates the traffic impact of this project by defining too narrowly the impacted area; this project, for instance, will have an effect in the already congested I-80 and Ashby corridors. 51

MI:tdw



Response to Comment 50

Traffic data used in the DEIR for the intersections of Seventh/Ashby and San Pablo/Ashby were based upon 1983 traffic count data supplied by the City of Berkeley. For the Final EIR, new counts were made in October 1986 at these intersections and have been used in the supplemental Transportation analysis above. Also, new recently published methodology for LOS analysis of signalized intersections based on the 1985 Highway Capacity Manual using average stopped vehicle delay times for analysis has been used in the supplemental analysis above to calculate the levels of service at the five critical intersections (see revised Tables 10a and 11).

Both the new counts and the new method, which incorporates more variables into the analysis, result in estimates of worse levels of service (more congestion).

Response to Comment 51

In order to consider up to date cumulative and wider reaching potential impacts, the study area for transportation analysis has been expanded to include additional near term as well as long term potential development projects in southwest Berkeley and nearby Emeryville. Also, traffic impacts on I-80 as well as the I-80/University and I-80/Ashby interchanges were included.







AUG 7 1986

ZONING DIVISION

August 7, 1986

Memo to: Planning Department, City of Berkeley

From:

Helen Rand Parish, 1845 Spruce, Berkeley 94709 (848-3188)

James W Bradley, 2255 Hearst #23, Berkeley 94709 (841-4210)

Subject: Comments on DURKEE DRAFT EIR



#### Adjoining toxic dump site?

The recurrence of a toxic ooze on the soil surface at the edge of the Durkee site (pp. 115-120), which does not correspond with any historical uses of the site, suggests that the problem may be coming from a nearby toxic dump (exact location unknown) which is known to have served industries in the Aquatic Park area. The historical leads about this dump that we and Betty Marvin of BAHAM have put together would be available to Mundie and Associates.

52

#### Two alternative uses of Durkee site

1. **Mixed use** would avoid gentrification/housing impact, and Applicant seems favorable towards this less intensive use and yield. He is inclined (see p. 74) to provide additional live-work space for artists and craftspersons [now threatened by West Berkeley development] and has suggested the Project could house the Jewish Community Theatre and/or Shakespeare. Other innovative building arts projects -- such as the Owner-Builder Center, Solar Demonstration, etc. -- and arts related retail might be added to complete a profitable "arts center."

53

2. **Innovative affordable housing.** An architect could take advantage of the large site and existing buildings to design innovative affordable housing at moderate profit, supported by more-profitable needed retail facilities (e.g. grocery, laundry, pharmacy, etc.) With interest rates falling, now is the time for a pioneering affordable housing project. This would be antidote for the empty over-built office space syndrome that plagues the Bay Area. Given the excellence of the EIR, the imagination shown by its Scenario #2, and the solidity of Wareham Development -- already established in the neighborhood -- we think this would be a breakthrough for the real economic needs of Berkeley, while providing a steady return for the developer.

54

#### Compliments to Mundie and Associates!

This is the most readable and useable EIR from the City of Berkeley to date. Please commission this firm in the future.

#### Minor flaws in DEIR

Data on page 70 ignore that since 1980 Berkeley population is growing again (see Craig Whittam) and that vacancy is way below one percent. It is high land cost and not rent control that is the controlling factor in not building rental housing. Only West Berkeley still has a chance for rental housing, but not if land values are pushed up.

55

HRP + JWB





#### Response to Comment 52

Detailed analyses of Soils and Geology, and specific Public Health Considerations, are provided in the DEIR. Also attached there as Appendix D are two memos prepared by Engineering-Science which summarize their findings prepared for the project sponsor in close consultation with the Toxic Substance Control Division, California Department of Health Services (DOHS).

#### Response to Comment 53

Project as revised represents a mixed use development. Inclusion of more live/work units could lessen the housing demand impact experienced, but not avoid it. As for the effect of more live/work units on the "gentrification" of the area, an increase in their units could result in greater numbers of young urban pioneers seeking space than those presently renting space in the Durkee Building or in other southwest Berkeley locations. Live/work units by definition represent a change in land use from the industrial/manufacturing past of the Durkee Site.

#### Response to Comment 54

It is important to remember that the site and surrounding parcels have been in the Manufacturing (M) zoning district for many years and that land uses in the area have developed on that basis. A variety of environmental characteristics of industrial districts exist in the area including the noise and truck traffic associated with manufacturing. Furthermore, the zoning ordinance and the city's Master Plan policy of limiting development in the M District to industrial and related commercial uses would seem at odds with this suggestion to develop a "pioneering affordable housing project".

#### Response to Comment 55

Comment noted.



8 August 1986

Robert Reiter  
800 Heinz St.  
Berkeley, CA 94710  
644-0614

AUG 11 1986  
ZONING DIVISION

Dear Mr. Kelley;

In this letter I will comment on the EIR for the *Aquatic Park Center Project (Durkee Site)-750 Heinz Street*. I have lived in Berkeley since 1975 and have occupied one of the live-in artist's work spaces in the Durkee Building since 1981. I am a photographer by trade and have my home, lab, studio and small gallery in a 2500 square foot space on the ground floor of the building.

As a resident of West Berkeley, I have witnessed the rapid changes taking place here over the last year and a half that have resulted in such developments as the Parker Plaza complex and the initial construction and conversion of buildings in the Aquatic Park Center itself. The first page of the EIR makes an important point that I agree with from reading the remainder of the report and from watching the tactics and results of the developer's previous projects in this neighborhood. This project is inconsistent with the goal of preserving the unique character of Berkeley. At this point, I think it is incumbent upon those in charge of Berkeley's planning for land use to really decide if the city is at all interested in preserving its character or if such concerns are simply a sham to placate the citizens while rubber-stamping any project that comes across the table if it looks like enough fees will be collected to bolster the coffers. If this were any other city than Berkeley, I would be worried, but I think we are a progressive enough town that the mere possibility of making some money off of the deal is not the only consideration.

56

While the project is consistent with the goal of improving Berkeley's financial position, I believe that with the intense interest that has been shown in development in West Berkeley, surely there must be a way to preserve what is left of this neighborhood's "unique character" that will also be profitable to the city and any developer. I don't believe the city should see itself in the position of a pauper who must take the first plan offered for a project if it fails to meet an important goal of the Master Plan.

What we are trying to preserve as the character of our city has two aspects. The first is the architectural heritage that comes into question when redevelopment threatens old neighborhoods, and the second is the cultural flavor of the city that is laid on the



line when a massive influx of new businesses and people overwhelms the existing milieu.

I would like to address my comments primarily to the second of these concerns. In regards to the two proposals considered in the EIR, there seems to be little in the first to recommend its adoption and most of my comments are addressed to the second scenario. I believe these points should be enough to condemn the whole idea; pragmatically, I hope they can be taken into account as modifying factors if the proposed development goes forward.

As a tenant of the Durkee Building, I am foremost concerned with the project's impact on myself and the other tenants, particularly in the remaining live-work spaces. The EIR points out at the top of page 6 that protection for the tenants as a condition of granting the permits may be necessary. Since the developer's plans for us include doubling the rent and halving our space, for starters, I think the need for protection is obvious. He has also recently attempted to bill utility rates on the basis of square footage of the various spaces, which ignores the varying energy consumption patterns of the widely different occupants. Since the previous method, based on estimates of useage supplied by the occupants, has worked for the last three years with no complaint that I have heard, I can see this only as a tactic of harrassment against the live-in tenants who have been vocal in their objections to much of the developer's plans.

During any major construction on site, it will be impossible for us to conduct our businesses without serious interruption. I run a small custom photographic darkroom in my space and during the demolition of site buildings last year, the vibrations shook my enlarger so much that work was impossible much of the time. Noise and vibration, especially on our ground floor will be unbearable over the timetable projected for the project. The only solution, as stated in the EIR and recognized by the developer, is temporary relocation of the tenants. If such is the case, what protections can we expect?

57

As a self-employed person with a small business built up over 11 years, I know the disruption to me and my clients that a temporary relocation can cause. Will I be reimbursed for loss of income during the actual relocation? Since my business relies on relatively easy access for my clients, such as I have at my present location, can I be assured that my relocation will be to a similar site? Since this is a live-in workspace, will the temporary space be also? If not, what housing arrangements and rent agreements will be made for the interim? For eleven years I have lived and worked from the same space (at different locations), and much of the success of my business stems from my

58





availability to my clients during non-business hours. Any separation of live and work spaces will be a considerable inconvenience to my business. While the requirements I have for my darkroom are minimal, I have already spent money to build my present workspace to my needs. Will the developer assume the costs of any construction necessary in the temporary space?

59

I ask that these considerations be addressed specifically by the Planning Commission when considering this application, because I have no reason to trust that the developer will pay adequate attention to them if not required to.

Also of concern are the plans the developer has made for the Durkee Building to house a restaurant, as well as continuing its mixed use and his alleged support of continuing live-in workspaces. Through an intermediary, Jerry Carlin of the Berkeley Jewish Community Theater, I was apprised of the developer's desire to substantially reduce my 2500 square foot space by incorporating the back half of it as part of the restaurant. This area of my space is where the kitchen, bathroom and darkroom are. I invested \$15,000 in construction costs for these improvements (done to code and with appropriate permits). It would be only fair that I should be reimbursed for these expenses should I not be allowed to keep that portion of my space. But I would prefer to keep my whole space, since I use it all in the various activities mentioned previously. The developer has stated that "artists want spaces of about 1200 s.f...", so ours are too big. Is it any wonder we do not trust our fates in the hands of someone who can make such a statement?

Frankly, the idea of a restaurant right next to a live-in space seems inappropriate in the first place. Would you want one on the other side of your bedroom wall? If it is allowed, it should be incumbent on the developer to install sufficient soundproofing to completely mask the noises generated. I can accept the daytime noise level as it has generally been in the last five years here, because that is to be expected in a mixed use building such as this, but part of the attraction of the Durkee Building as a *live-in* space was that it was quiet at night and on weekends. It is simple aggrandizement for a developer to make a show of offering live-in workspace if the surrounding environment is made so unpleasant as to be unattractive for anyone to live in. Initially, he even wanted to put the Berkeley Community Jewish Theater upstairs, directly over the remaining two live-in spaces. We support the idea of the Theater on the property, but feel relieved that since the initial proposal, it seems as if they will locate in the Spice Building, where access is easier and potential conflict with other tenants over noise will be resolved.

60

61



The *San Francisco Examiner* just this week ran a feature on our plight and points out how it mirrors what has happened to artists in that city as well as just across Ashby Avenue, in Emeryville. If we allow the same thing to happen here, no one can look back later and say they didn't realize what was happening.

Many of the other issues addressed in the EIR affect me simply as a citizen of Berkeley, specifically West Berkeley, with no particular bearing on my being a resident of the site in question.

One of the features that has characterized West Berkeley has been the diversity of the business located here. Many "start-up" companies have gotten their start here, and most of the small business here are made up of Berkeley residents. Encouraging the influx of upscale employers of the kind that are likely to be able to afford the rents asked by present developers can only serve to increase the homogenization of the workforce here and lead to a lessening of low-end jobs that can provide training for the unskilled labor market. As the EIR points out, few entry level jobs will be provided by this project. It is not just artists and craftsmen who will suffer by the shift in values that developments such as this are a precursor of. If the business already occupying the completed parts of the *Aquatic Park Center* are typical of what we can expect, then it is obvious that a major shift in the composition of West Berkeley will be ensue. I do not believe such a shift is necessarily bad, only that it definitely goes against the "unique character of Berkeley", a goal which the City has stated it is interested in preserving, and with which I heartily agree.

The issue of the impact of this project on the general housing market in Berkeley is raised, and found to be negative. Although the numbers are not large, the trend is clear: this project, like others sure to follow, lead to a tightening of the already serious shortage of housing in our city by attracting new people while not providing any increase in the home supply. The Housing Mitigation Measures recommended in the EIR would seem to be appropriate. I might add that the development of the Durkee Building itself as a 100% artists' live-work space, at reasonable rents, would be a positive step in ameliorating the demonstrated adverse effects projects like this invariably have on the artists who currently occupy the old warehouses and buildings in West Berkeley. Invariably, a declining industrial neighborhood is renovated by artists, craftsman and small businesses and when the property values rise again, we are often booted out and our spaces rented at exorbitant rates to people who had nothing to do with the renovation. If the developer is uninterested in this,





perhaps the City could investigate the possibility of aiding interested artists in purchasing buildings like this themselves.

Traffic, always an emotional topic these days, is no less so in this circumstance. The Seventh Street corridor has become one of the major north-south thoroughfares in the city, and the situation is getting worse with every project like this. Much of the area adjacent to Seventh Street is residential, so the problems of increased traffic on this road and by-streets is more than just one of commuter rush hour congestion. Accident rates are bound to increase and the families of the neighborhoods suffer accordingly. The congestion at the Ashby and San Pablo Avenue intersection and Ashby and Seventh are already bad. As noted in the EIR, it is unlikely that the latter intersection could accomodate the projected increases without substantial improvements and the likelihood of destruction of existing business for right-of-way acquisition. Where will the money for this come from? It is unlikely that fees from this project would even begin to cover such expenses, especially since, as pointed out on page 12 of the EIR, a general decline in the level of positive financial impact from the project will occur over time.

The EIR points to potential health and safety problems, perhaps the foremost of which is the opinion of two different engineering firms that the present soil is of insufficient strength for the proposed project. In general, I can only assume that the recommendations in the EIR on the mitigation of this and other health concerns are given top priority by the Planning Commission and I can see know reason why any but the most stringent of safeguards be incorporated in this and other developments.

In ending, I would like to summarize my feelings after reading the EIR as follows: I do not believe the project as proposed by the developer is in the best interest of the city, although it could be altered towards that goal. I have great concern that if the present tenants of the property are not protected through action of the city government, we cannot expect fair treatment by the developer. If the Berkeley is interested in preserving its identity as a city of diversity and creativity, projects like this can only dilute that identity. If they are actively encouraged through the actions of the city government, then I fear we all will lose and future generations will wonder why we allowed such things to happen.

Robert Reiter



#### Response to Comment 56

Comment agrees with DEIR, p. 54.

#### Response to Comment 57

Tenant protection issues are presently under discussion between the applicant and the Office of Economic Development.

#### Response to Comment 58

These questions relating to short-term impacts on one tenant's business during renovation of the Durkee Building may be appropriate at the Use Permit stage of project review but do not fall within the scope of this EIR. CEQA does not establish the need for tenant-by-tenant compensation, though city policy may address this situation.

#### Response to Comment 59

Comment noted. However, the issues raised do not relate to the DEIR. They are independent business decisions to be decided between the commentor and his landlord.

#### Response to Comment 60

The revised project is described above (pp. 2-4). Whether the proposed restaurant would be located adjacent to the commentor's rented space after the renovations are completed is not clear.

#### Response to Comment 61

Comment is accurate. The project sponsor now proposes to provide space for the Jewish Community Theatre in the renovated Spice Building.

#### Response to Comment 62

Comment disagrees with analysis presented in DEIR at pages 64-69, where the description of the existing employment pattern onsite (now that the truck wash facility has relocated) suggests that it is relatively homogeneous, with most businesses fitting into the commercial service and retail categories. On the other hand, the forecast project employment is described as including a much greater variety of occupational categories, ranging from professional/technical to sales/service and other (mainly craft workers, mechanics and other blue collar positions), as well as a increased number of total jobs.

The occupational forecast for Scenario Two suggests that over half of the new jobs created would be in occupations which typically have a large number of entry-level positions: clerical, sales/service and other.

#### Response to Comment 63

The City of Berkeley (through its Office of Economic Development) is formulating a housing mitigation program which is based on the employment and housing analysis presented in the DEIR and more detailed employment information provided by the project sponsor. Neither the funding level nor the precise way in which the mitigation payment would be used have been stipulated yet.





#### Response to Comment 64

Ashby and San Pablo Avenues are Major Streets, intended to carry high volumes of traffic and connecting districts within Berkeley and linking the city with other nearby cities. Seventh Street is designated in the City's Master Plan as a Collector Street, which carries traffic between activity centers, major streets and smaller local streets. The residential streets between Seventh Street, San Pablo and Ashby Avenues in the vicinity of the site are local streets which are intended primarily for residential and parking use by adjacent properties.

Whether the increased traffic volumes on Seventh Street resulting from the proposed project would result in changes in the rate of traffic accidents is an evaluation beyond the scope of this EIR. However, there is no reason to believe that a direct causal link exists between these two factors. A variety of other factors such as average vehicular speed, type of vehicles using the roads, level of signalization and signage, and the pattern of pedestrian flows all affect the rate at which accidents occur.

#### Response to Comment 65

As the supplemental analysis above (pp. 9-27) shows, there will be considerable traffic impacts in west Berkeley stemming from the overall levels of future development forecast for the area. As recommended in the mitigations, the Aquatic Park Center project plus the other projects in the area must be assessed appropriate fees and be subject to conditions of project approval to bring the transportation system into a more acceptable level of service than would otherwise be experienced.

Separate traffic mitigation payments will be made by the project sponsor to the City of Berkeley for a set of capital improvements based on the recommended mitigation measures on pages 98-101 of the DEIR. The amount of this funding will be specified prior to project approval.

#### Response to Comment 66

Comment noted.



THE BERKELEY  
ARCHITECTURAL  
HERITAGE  
ASSOCIATION

P.O. BOX 1137 MAIN POST OFFICE  
BERKELEY, CALIFORNIA 94701  
(415) 845-6591

TO: Berkeley Board of Adjustments, Acting Lead Agency, Durkee EIR

FROM: BAHA Board

SUBJECT: Response to Draft Environmental Impact Report, Durkee Site

The Berkeley Architectural Heritage Association is a twelve year old volunteer organization that works actively to preserve properties of historical architectural and cultural value to our city. BAHA has over 1,000 active members and is the largest volunteer organization in Berkeley. We work actively to ensure that only appropriate development, sensitive in design and scale, is built on or around the city's designated landmarks. We support the preservation of industrial properties which meet the criteria set forth in Berkeley's Landmark Preservation Ordinance.

The BAHA Board met August 2, 1986 in regular session, and having reviewed the Draft EIR for the Durkee Site, we must seriously question the adequacy of this document on several grounds.

We find that sections relating to Historic Preservation are wholly inadequate for the purposes of the California Environmental Quality Act. As stated in Article 1, Section 15002 F, the CEQA's purpose is to identify impacts, alter a project proposal to eliminate or lessen the impacts, or propose mitigation measures that would reduce the impacts, or to find that it is not feasible to do so.

Instead what has been prepared seems to be an effort to avoid serious discussion of the impacts of this proposed project, and to circumvent the applicable local law. The assertion "that the Durkee designation cannot be supported on State or National grounds" is not supported by any data in the document, nor is it relevant to CEQA. Using any criteria other than those contained in the Berkeley LPO, which is the applicable local law, is wholly inappropriate and could not, in our opinion or the opinion of our counsel, be legally supported. The Landmarks Preservation Ordinance has jurisdiction in law as applied to CEQA according to Chapter 6, Section 21174.





Furthermore, allowing the demolition of designated landmark structures when there are feasible methods to restore, enhance and perpetuate their use is a violation of the spirit of our local lpo in direct opposition to the stated land use goals in the City's Master Plan.

We might also point out the designation of the Durkee Site as a city landmark, using historic and cultural value to a community as a criterion, is in fact consistent with the State guidelines in CEQA for determining these significant effects a project might have. See CEQA Appendix G (J).

We also find that the grounds set forth on Page 56 are not based on the facts as we know them to be.

First, the statement that the site is not unique or unusual is contradicted on page 46, paragraph 1, "The study area's concentration of activities which are both diverse and economically inter-dependant give the neighborhood of the site a particular character that is unusual even in an urban setting like Berkeley."

Second, the designation application (cf. Appendix E #30) states clearly that the site has historical significance: "The vegetable oil company predecessor to Durkee on this site appears to have been one of the earliest industries to locate in this southern portion of West Berkeley. On 1903-1911 Sanborn maps, only one property, Golden West Drilling, "at SW 3rd and Grayson is mapped West of Sacramento Street from Dwight Way to Folger".

Third, the "better example" used as an illustration is a single building isolated by new construction and not surrounded by a cluster of buildings of various types used in this kind of factory.

Finally, the site possesses part of all the elements of what the Durkee factory once was. The Copra Warehouse at the west end of the site was for raw material off-loading and storage. The boiler room smokestack was where raw material was reduced to unrefined oil. The production building for margarine and other products was located in the Durkee Building, as were the administrative offices. Other raw materials, such as spices and seasonings used in the manufacturing were housed in the Spice Warehouse. The research and new product development were located in the Experimental Kitchen and portions of 810. The Plant maintenance shop occupied the rest of 810.

The integrity of this site is still intact and further demolitions would detract from it.

Another critical point that seems to be missing in this document is the fact that the industrial sections of many cities including West Berkeley have long been overlooked as valuable cultural, historical, and architectural resources of the city.





The citizens of Berkeley and their elected officials through public hearings and appeal processes clearly have recognized this and stated that the Durkee Site is such a valuable resource, and every effort should be made to preserve the important features of the site, namely 810 Heinz, the Experimental Kitchen, the courtyard, the Spice Warehouse, the Durkee Building, Copra Warehouse and the smokestack. (See LPC Staff Supplemental Report on Durkee Site Designation, Sept. 18, 1985)

As the proposed demolition of any of these structures or areas would have significant impact, an alteration of the plan to include them would be required; or specific mitigations of the impacts; or specific findings that alterations in the plan or mitigations were not feasible.

No such alterations, mitigations or findings appear in the discussions of the proposed plan in either Scenario 1 or 2. The mitigations proposed do not appear to relate at all to the structures and features of the site. If a financial mitigation is to be required, the money could be put to better use by preserving or restoring the structures that presently exist on the site.

Restoration of a creek in the middle of an industrial historical site is a worthy goal, but would appear impractical in this case.

We have been advised by Wareham Properties that "Scenario One" is no longer under consideration and there are to be substantial changes in the proposed "Scenario Two" as to the design, location, setbacks, parking, and facade treatment of the east industrial building (810). So the final project scenario has yet to be determined.

We can see no rationale for the elimination of the smokestack in Scenario 2 or Alternative A as the building placement is essentially the same as in Scenario 1. We feel this is an avoidable impact in any scenario or alternative and that the smokestack preservation should be included in the final project plan.

We can see no apparent rationale for the demolition of 810 Heinz or the Experimental Kitchen, as our studies indicate that it is feasible to restore them. There is no data to prove infeasibility.

The BAHA Board strongly urges the Board of Adjustments acting as the lead agency on the Durkee EIR

1. to extend the time period of public review and comments on the Draft EIR, as we have many members who have expressed their wish to respond, but the time allowed is insufficient, and

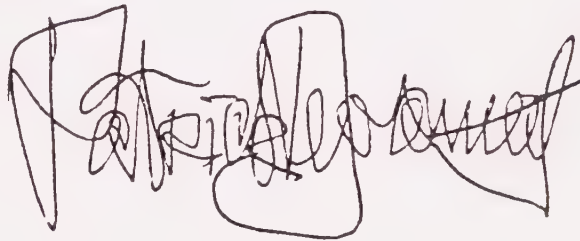
2. that the sections of the EIR relating to the impacts and mitigations of this project on historical, cultural, and architectural grounds be stricken, reevaluated and rewritten with the issue of retention of all existing land-



mark features described in the LPO Supplementary Report as the primary goal, including discussions of (a) alternatives that maintain all existing landmark structures, and (b) mitigations that avoid or substantially reduce the impact of specific demolitions proposed,

3. to suspend all proceedings of this environmental review until a completed final application is submitted by the developer, and

4. that these comments and recommendations be made a part of the final EIR.

A handwritten signature in dark ink, appearing to read "Patricia [unclear]", written in a cursive style.



#### Response to Comment 67

Subsequent to the Draft EIR, a supplemental discussion of the site's landmark status (found above on pp. 7-8) was prepared. That supplemental discussion is intended to address the comments made in this letter from the Berkeley Architectural Heritage Association (BAHA). It is the strong belief of the EIR authors that this supplemental material goes well beyond the requirements of CEQA on a issue such as this.

Where the entire BAHA comment is covered by the supplemental work, the reader is directed there. Additional specific responses are provided below in the case of some comments.

The CEQA law requires the environmental document to identify impacts and to present mitigation measures to lessen or eliminate the impacts where this can feasibly be accomplished. In the case of the site's landmark status, one of the major arguments made by some, though not all, of the local advocates of preserving the site in the status quo, has been that no mitigations are available to adequately mitigate changes to the site over the existing condition. The professional judgment of the authors of this report is that this is not true: the mitigations listed in the supplemental analysis do sufficiently reduce project impacts. However, if they do not, then the result would simply be that any remaining impacts are not mitigatable.

#### Response to Comment 68

The authors of the EIR disagree with this comment. The absence of state or national merit in the designation of the Durkee Site is thoroughly and clearly presented in the DEIR (p. 56). The question of whether state or national criteria are relevant to CEQA is a different question and one which is addressed in the supplemental materials above. In no case has the local law been circumvented.

#### Response to Comment 69

Please see The Site's Landmark Status above (p. 5).

#### Response to Comment 70

Please see The Site's Landmark Status above (p. 5).

#### Response to Comment 71

Comment noted. The authors of the DEIR continue to believe that the factual situation (as well as the application of state and national criteria and professional evaluation by Mr. Brechin) described on page 56 are accurate.

#### Response to Comment 72

The statement on page 56 that the site is not "unique or even unusual" refers to the site itself (including its buildings, its open spaces and the economic activities which take place thereon). The reference on page 46 is clearly to the study area (shown in Figure 2, p. 15, DEIR) which is over 35 times as large as the site itself. The study area is characterized by a network of seemingly interconnected economic activities, which makes it unusual. As stated in the DEIR, the characteristics of the Durkee site are similar to those found at other industrial properties with frontage along the railroad right-of-way throughout the East Bay.





Response to Comment 73

Please see The Site's Landmark Status above (p. 5).

Response to Comment 74

Please see The Site's Landmark Status above (p. 5).

Response to Comment 75

Please see The Site's Landmark Status above (p. 5).

Response to Comment 76

Comment noted. However, an EIR is not intended to be an advocacy document for "cultural, historical and architectural resources." This EIR presents a factual description of the history of west Berkeley and of the Durkee site on pages 31-33 with illustrations (the two archive photographs, Figures 14 and 15).

Response to Comment 77

Scenario Two as shown in the DEIR (see Figure 6, p. 25) would preserve the Durkee and Spice Buildings. The Garr (Copra) Building is not part of the proposed project; any development there would be subject to environmental review and project approval by appropriate agencies.

Chapter VII (DEIR, pp. 139-145) presents alternatives to the proposed project. Alternative A, the Maximum Structural Preservation Alternative, considers reconfiguring the site so as to preserve all of the structural elements cited in Comment 77.

The revised project plans as submitted to the city (after publication of the DEIR) propose the preservation of the smokestack and the creation of a paved courtyard at the east end of the site between the Durkee and Spice Buildings.

Response to Comment 78

Please see The Site's Landmark Status above (p. 5).

Response to Comment 79

Please see The Site's Landmark Status above (p. 5) for additional potential mitigation measures which could be required of the revised project. The authors disagree with the comment that a monetary contribution to preservation of meritorious sites or structures found elsewhere in Berkeley would necessarily be less effective than preserving structures onsite. The amount of such a mitigation payment and the target to which it would be applied are policy decisions for elected and appointed decision-makers to address.

Response to Comment 80

Comment noted.





#### Response to Comment 81

The project under consideration in this Final EIR includes the characteristics described above (under the heading of Revised Project). It should be noted that revisions to the plans for a complex mixed-use project during the development review process are to be expected. Only in the case of significant changes which would result in environmental impacts of a more severe nature would an additional interaction of CEQA analysis be required. In the present case, the project revisions stem primarily from the DEIR's recommended mitigation measures and therefore generally represent a lessened level of impact.

#### Response to Comment 82

The revised proposed project includes the retention of the smokestack.

#### Response to Comment 83

The EIR consultants are not aware of any studies prepared by BAHHA which analyze the structural and health impacts of retaining or demolishing either of these two buildings. The project sponsor and project architects believe that retaining the buildings would require special care for the health reasons stated in the DEIR and because their configuration would constrict the parking and circulation plans.

The revised project more clearly shows how the design would recreate a courtyard feeling where the old courtyard was and how the developer plans to place chairs for performances on the Spice Building loading dock which would be modified for use as a stage.



## Memorandum

August 12, 1986

TO: Gil Kelley

FROM: Matt Tomas, Associate Planner for West Berkeley Area Plan

SUBJECT: Comments on the Durkee Draft EIR

Attached is a Statement of Overall Vision and Goals that has been drafted by the West Berkeley Area Plan Committee. As part of the West Berkeley Area Plan, this brief policy statement is intended to give general guidance to new physical development in West Berkeley. As the Area Plan is not yet completed, this draft policy statement can be used as a broad statement of the community's expectations for West Berkeley.

84

---

Following are comments regarding planning areas of interest specific to West Berkeley and planning activities currently underway. In addition, these comments support all recommended mitigation measures.

### Parking and Circulation as Related to the Site Plan -

Page 97/98 - "Forecasting the likely demand for parking at the project on the basis of the individual uses proposed results in a finding that, without mitigations demand would exceed supply...the parking demand for a typical development like Scenario One or Two would be on the order of 402-410 spaces during 'business hours'...The proposed project would provide 255 or 272 spaces, respectively, resulting in a forecast deficit of 130-147 spaces...Expansion of the parking garage as designed could provide up to 45 spaces per additional level."

It is clear that the proposed number of parking spaces will be insufficient to handle the forecasted project demand. The project satisfies current parking requirements of the "M" zoning district, 2 spaces/1000 square feet of new



construction. However, it must be realized that these parking regulations have been adopted on an interim basis until the Area Plan can be completed. Assuming that no additional parking will be provided, the identified 130-147 extra cars would seek parking on near-by city streets, thus contributing to an already congested area. It would be desirable if the project could provide additional parking based on land use and square footage to accomodate the forecasted demand of 402-410 spaces.

85

Not considering the parking provided by the the new parking garage, the majority of on-site parking is located on the west side of the site, near the new office building "D" and "F" respectively (See figures 5 & 6). Realizing that most of structures are located on the opposite side of the site, this may deter visitors into using off-site parking ie: on-street parking. Furthermore, it is not identified in the EIR if visitors will be required to pay for the use of the new parking structure. If this is so, this would increase the liklihood that visitors would seek off-site parking. Although the new parking garage is centrally located on the site, the physical access to this structure from the northwest makes usage more cumbersome to those visitors having destinations on the west side of the site. This inconvenience would be increased in scenario two since all of the retail space is located on the west side. As proposed, there exists only 17 parking spaces provided on the west side in scenario two and none in scenario one.

86

87

Additionally, the provision of 138 parking spaces on the west side of the site is disproportionate. With the majority of non-parking related space (74,000 sf and 74,500 sf respectively) located on the western portion of the site, it would seem reasonable if a proportionate amount of parking was also provided here.

Furthermore, assuming that many of these trips will be made by employees of the project, a net increase of long term parking will occur. Assuming that some of these commuters will look to on-street parking opportunities, this could significantly decrease short term parking opportunities in the immediate area. Noting the commercial and retail nature of the surrounding uses and related average daily traffic levels would be a strong argument supporting the need to provide more on-site parking.





With the completion of the Area Plan, the City will be in a position to recommend changes to the current zoning. Until that time, it would be highly desirable if all new projects could completely mitigate expected parking demand. It seems feasible that with modifications to the proposed site plans, additional parking could be provided, either through the creation of additional parking facilities or by decreasing the amount of square footage of new construction.

In addition to those transportation mitigation measures recommended by the EIR, additional efforts should be taken to develop TSM (transportation system management) programs that would address employees' needs for long term parking. Furthermore, a coordinated effort could be initiated by project tenants to develop a carpool program; likewise, a similar van-pool program might be developed to provide shuttle service to the North Berkeley Bart station; providing discounted public transit fares for employees for AC Transit and BART service may be another option that can be used.

88

#### Building Size and Scale -

There have been comments that the proposed project follows a "typical campus industrial" design. After reviewing the two proposed site plans, much of the new construction, especially in scenario one, calls for the development of three large buildings ranging from 38,000 sq. ft (1 bldg.) to 50,000 sq. ft. (2 bldgs.) Scenario two calls for the construction of four new buildings ranging from 18,000 sf (2 bldgs.), 38,000 sf (1 bldg.) and 50,000+ sf (1 bldg.). The existing Durkee Building is a two-story, 24,000 sf structure (12,000 sf footprint) and the existing Spice building is a one-story, 9,000 sf structure.

In general, much of the proposed new construction, in terms of bulk and building size would be consistent with the traditional designs of older manufacturing and industrial structures. In scenario one, the proposed uses for new construction will be mainly office use. Building "B" would be able to house the entire complex within one structure, as would building "D".

Discussions have taken place at the Area Plan Committee level regarding the



"texture" of the existing West Berkeley building stock. One of the committee members, a local developer, stated that 10,000 sf of buildings is an appropriate sized structure for West Berkeley. This sized structure would, in general, be consistent with existing buildings and would help preserve the area's distinct physical urban fabric. Although there exists no specific urban design standards for new development to follow in West Berkeley, newly hired, Design Review staff could greatly help in the design of new buildings.

89

One possibility is the creation of one and two story buildings of 10,000-15,000 sf that would be used in a cluster designed site plan. By breaking up the new, large buildings, much of the "bulkiness" could be eliminated. Furthermore, by using smaller structures, perhaps a more innovative circulation and parking plan could be developed that would both improve access and increase on-site parking. In both scenarios, new office buildings "D" and "F" could be redesigned to bring it out of its somewhat isolated location on the northwest corner of the site as well as redistribute the 138 parking spaces located on the western side of the site.

90

Of final note, is the possibility of creating additional levels to the proposed parking structure. As is, the parking garage would have to be increased by 2-3 levels to mitigate the forecast deficit; in effect this would create a total of 4-5 levels when these additions are completed. Although this option is a possibility, efforts should be taken to ensure the height and bulk of this structure remains consistent with existing buildings, especially those existing structures on adjacent parcels south of the site. It is hoped that building design will consider the Overall Vision and Goal statement regarding new physical development.

91

#### General -

This draft EIR does not consider the current project proposed for 1020 Heinz Street, a warehouse to office conversion of approximately 54,000 sq. ft. The potential circulation and traffic impacts of this project merit further study and should be included in the overall analysis in the next version of the Durkee EIR.

92





## Housing and Employment -

The draft EIR indicates that there exists no program to address the housing impacts of the project. It simply states that the City is currently working on a housing mitigation program that considers the possibility of the applicant making an in lieu fee for the construction of BMR (below market rate) housing or the possibility of the sponsor directly providing BMR housing units.

Understanding that much of available land in Berkeley has been developed, the housing mitigation program should identify where these housing units will be located. Although West Berkeley presents some housing opportunities, the land needed for the identified 80 housing units that would be affected would require a large parcel or many smaller parcels. Scattered housing site development would then be an alternative. The housing mitigation program should consider these constraints. It would seem wise if a housing mitigation were developed before additional activity is allowed.

93

Next, the draft EIR reveals that there is no policy or hiring program that would ensure jobs for Berkeley residents. Staff would like to see the development and adoption of a "first source" hiring program. Perhaps an aggressive effort or policy commitment to this type of program could be used as a bargaining chip by both the City and applicant to use to ensure the successful completion of the project. Furthermore, hiring policies and job training programs should follow those statements found in the Overall Vision and Goals statement.

94

Finally, in its Housing Impact analysis section, the draft EIR uses 38%, pg. 68, (the average percentage of the Berkeley workforce who live in Berkeley, 1980 Census) as the figure to formulate the 80 or 100 households that would be impacted if the project was to be completed under either of the two development scenarios discussed. Although it is impossible to determine the present adequacy of this statistic without a lengthy and costly data collection study, this would dictate the need to use a broader range in the analysis.

95

Considering a worse case scenario is justified in this situation because of the circumstances surrounding the project: namely the lack of a completed housing

96

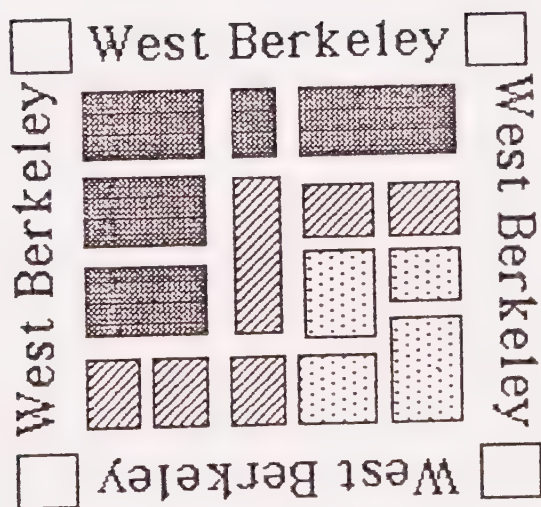


mitigation program and lack of a first source hiring program. It seems the amount of households impacted/displaced could indeed be greater. Furthermore, because the nature of a statistical mean takes into account numerical extremes, it seems logical for the analysis to do the same. By so doing, the analysis would be more comprehensive since it would be considering a range rather than one value based on 1980 Census information. By using a range of percentages, say  $\pm 5\%$ , as the determining value of households affected, the validity of the analysis is broadened.





## Overall Vision and Goals





## - OVERVIEW -

Since the last general plan update in 1977, much has occurred in West Berkeley. Although the residential areas have stabilized, the larger manufacturing zone seems to be in a state of transition. Because of the importance of this zone, any significant changes taking place here will raise issues of concern for the immediate area and overall City.

In the recent past, it is clear that the economic base of this area has changed. Industrial and manufacturing activities were clearly the dominant use of the land. However, this base has slowly eroded, taking with it jobs and revenues for the City and its residents. Much of the space previously occupied by these industrial and manufacturing activities remains vacant. The resulting increase in available space provides an attractive and affordable supply of space for other uses such as retail, commercial and office activities. These higher trip generating uses have compounded parking and circulation problems throughout the area. An additional concern arises from the current development proposals targeted for the City's waterfront area, located on the west side of the Bayshore freeway. Waterfront development could increase an already worsening situation.

Because of its convenient location, West Berkeley will continue to attract various business interests. Because of this, the Area Plan Committee has identified several issues that will require increased attention in the Area Plan. The following list of community goals and expectations is intended to provide general direction for planning and guidance to future physical development.



## - COMMUNITY GOALS AND EXPECTATIONS -

### General

- 1) Mitigate circulation and traffic problems.
- 2) Encourage energy conservation efforts.
- 3) Develop and adopt appropriate design standards.

### Residential

- 1) Preserve the ethnic diversity of the population.
- 2) Increase affordable housing opportunities for all income levels.
- 3) Preserve and enhance neighborhoods and residential structures.
- 4) Increase densities when appropriate to encourage affordable housing opportunities.
- 5) Increase and enhance open space and park & recreation opportunities for residents.
- 6) Improve accessibility to Aquatic Park.

### Live/Work

- 1) Promote live/work opportunities.
- 2) Protect existing live/work space.
- 3) Encourage ownership opportunities for live/work tenants.

### Industrial & Commercial

- 1) Promote West Berkeley as an attractive place for business to locate through the establishment of clear zoning and development guidelines, policies, and plans.





- 2) Maintain and foster a diverse economic base.
- 3) Provide work opportunities for residents.
- 4) Increase business revenues for the City.
- 5) Provide opportunities for growth of incubator businesses and newly established industries.
- 6) Identify specific areas most suitable for industrial, manufacturing and other commercial related activities.
- 7) Explore and utilize opportunities for coordination between the University of California and West Berkeley businesses and encourage University related research and development businesses.
- 8) Encourage industry and businesses that provide entry level jobs and development training opportunities.



## - A VISION OF WEST BERKELEY-

Attempting to portray a scenario of what West Berkeley will become in the short- or long-term future cannot be made without some degree of uncertainty. To be sure, whatever is to become reality in the future will contain elements of the past and present. For the planning of West Berkeley, certain themes have emerged.

As has been the historic pattern of land uses, West Berkeley will remain popular as the locational choice for many types of industrial and commercial businesses, and for those low- and moderate-income households entering the housing market. The challenge here will be to maintain a pattern of appropriate and compatible land uses.

Preserving those unique social characteristics of the population has always been a policy valued by the City and this continues to be a priority in West Berkeley. Furthermore, the people in West Berkeley care about the community in which they live and work; finally, the realization of this neighborhood plan will help improve the quality of life for the citizens in this historic part of Berkeley.



#### Response to Comment 84

The document represents the current thinking of the West Berkeley Area Plan Committee, and as noted therein, "can be used as a broad policy statement". However, it is relatively general in its directives and does not appear to represent much of a shift from the language which can be found in existing elements of the Berkeley Master Plan and the Economic Development Plan.

More importantly, any subtle changes set forth in the document do not yet represent official city policy; eventually, the objectives, programs, policies and any site-specific land use regulations would have to be considered by appointed and elected boards and adopted in an official city document after public review and hearings.

#### Response to Comment 85

Revisions to the proposed project (including additional onsite parking) are described on pages 2 to 4 above, in the revised Transportation section.

#### Response to Comment 86

In the opinion of the EIR transportation consultant, the onsite parking is not located too far away from the buildings generating the demand for spaces. In the event that onsite employees abuse the use of nearby on-street parking, time limits may have to be placed on the on-street parking spaces.

#### Response to Comment 87

The DEIR provides a method for monitoring the parking provided to determine if added parking spaces are required (Mitigation Measure 12, p. 100). See also Response to Comment #86.

#### Response to Comment 88

Mitigation Measures 12, 13 and 14 (pp. 100-101, DEIR) address potential TSM program elements which could be included in the conditions of project approval.

The second bulleted item under Mitigation Measure 16 (p. 101, DEIR), recommends the inclusion of preferential parking for car- and vanpools, a means of accommodating employees' needs for long term parking consistent with encouraging a TSM program.

#### Response to Comment 89

Comment noted.

#### Response to Comment 90

The authors of the EIR have not prepared design alternatives beyond those evaluated in Chapter VII, pages 139-145, DEIR. However, the use of a greater number of smaller structures would more than likely result in greater constraints on the provision of onsite parking spaces.



#### Response to Comment 91

The revised parking garage would include 2 floors and 3 levels of parking in a one-way sloping design (the top level of parking would be rooftop parking). Other than the broad goals of "Mitigate circulation and traffic problems" and "Develop and adopt appropriate design standards", there is nothing in the *Overall Vision and Goals* to guide the design of the project.

#### Response to Comment 92

The proposed conversion of 54,000 square feet of light industrial/manufacturing space to office uses at the Berkeley Business Center has been included in the expanded cumulative analysis presented above on pages 22 to 29 as well as the revised traffic analysis above on pages 9 to 21. Other potential, proposed, planned or approved projects which have come to the city's attention since preparation of the DEIR in March through May of 1986 are also listed there and included in the analysis.

#### Response to Comment 93

Whether the city implements a housing mitigation plan which actually takes responsibility for developing new housing (as opposed to countering the adverse impacts of increased housing demand in other ways), when it is implemented and where the units would be located is clearly well beyond the scope of the present EIR.

The Office of Economic Development is presently developing the city's approach to housing mitigation based on the analysis presented in the DEIR.

#### Response to Comment 94

The Assistant to the City Manager for Economic Development and his staff are designing a local hiring program for the proposed project as recommended in the DEIR on page 69.

#### Response to Comment 95

The EIR authors disagree with this comment. The multiple assumptions and estimates used throughout the employment and housing analysis presented in the DEIR represent the best professional judgments of the authors based on the most current information available. Because of the nature of any forecasting exercise, a "lengthy and costly data collection study" would not lead to any greater accuracy. One can never know until after the fact whether a proposed project in a given environmental context will turn out like other similar projects used when analyzing it. The ranges used and results produced in the DEIR are clearly adequate from a CEQA perspective, however.

#### Response to Comment 96

Consideration of a "worser" [sic] case scenario through simply broadening the number of households to be affected by the project by five percent (plus or minus) would not increase the validity of the analysis. The authors do not disagree with the statement that "the amount of households impacted/displaced could indeed be greater"; it could be greater or it could be lesser, but the range provided in the DEIR is our forecast.





August 13, 1986

TO THE BOARD  
AUG 13 1986

To: Gil Kelley, Planning and Community Development  
City of Berkeley

From: Betsey Strange  
Durkee Site

Subject: Response on Draft EIR for the Durkee Site

#### I. Site Plan:

As I understand Scenario 1 is no longer under consideration, I feel that scenario 2 is applicable for comment. I believe with the following stipulations, Scenario 2 could be workable:

1. Re-creation of the court yard with NO parking in it ( parking lot out front of 800 & 810 Heinz, as it is presently)
2. Rehabilitation of 810 Heinz and Experimental Kitchen OR the recreation of the "Foot print" of 810 Heinz and Experimental Kitchen under Landmarks Commission design review would be appropriate.
3. Smokestack kept intact.

#### II. Development on the site:

It should be noted that 3 small businesses on the site have been forced to relocate. D&L Motors, Grainassance, & The Spectator. I believe it would be appropriate that effort should be made for other small businesses be on the site to keep the "mixed use" that has historically been in W. Berkeley.

#### III: Live/Work tenants on the site:

[Please note that today 8/12/86, we (John Shea & myself) met with developers, our lawyer their lawyers, and we have made an attempt to negotiate a settlement of our space. I believe we are all acting in good faith with this negotiation attempt.]

It should be noted that there has already been a reduction of one-half of the original tenants that were once live/work (Kahn/Sparagana & Pettigrew/Grandpierre). These two spaces should be reinstated under residential rent control or some settlement should be made about the lost spaces.

We hope that the rest of the spaces that are live/work will be covered under rent control or some settlement can be reached.

#### IV Transportation:

I disagree with the report on the Traffic impact report, as it is my observation that traffic on 7th and 7th and Ashby, Ashby & San Pablo, is already nearing, if not already at "Grid Lock" during am and pm "rush hours". The construction of this project would exasperate this problem. If the project is approved, I believe all measures should be taken to alleviate this problem. My suggestions would be:



## IV continued:

1. Traffic control of some kind on 7th & Heinz intersection to let out all employees off the site and on to it.
2. Ashby & 7th : arrows for turning to alleviate both rapid speed off the freeway and safety for making turns, at present it is a dangerous situation.
3. Pedestrian protection at 7th & Ashby: This is again, a very dangerous intersection for pedestrians because of the speed of the cars coming off the freeway and dangerous turns being made by cars due to the congestions. Some type of better protection should be made for pedestrians.

## V Hazards:

It is a concern that because of the toxic substances that have been unearthed and demolished that these will continue to be a hazard to the tenants and the neighborhood at large. 101

I suggest that all precautions should be taken and MONITORED REGULARLY by the City to insure safety. 102

## VI: Landmarks Designation:

I believe it is an error to judge the Durkee Site by national or state standards. We are not concerned with State or National Standards but by CITY STANDARDS. 103

After all the hearings and appeals, I believe that this should not NOW be an issue. IT HAS ALREADY BEEN DECIDED. 104

I believe it should be kept with the Landmarks Commission review where it would receive due process by CITY Commissioners working under the CITY ORDINANCE. 105

## VII: Housing:

To reiterate the EIR's finding that the demands for 80-100 households would result from the proposed project, I believe that this is especially alarming for W. Berkeley, and would make the neighborhood very vulnerable to a tremendous impact that it is not able to cope with. I believe that every possible measure should be taken to keep this from happening. 106

## VIII: Archaeological consideration:

Per page 160, I believe that the site should be inspected by an unbiased expert, to determine if there is any archaeological considerations that should be protected before construction begins. 107

## IX: Employment:

Since W. Berkeley is primarily a blue/collar and working class neighborhood I believe that every effort should be made for the placement of neighborhood workers into the job on the site including: 1. job training 2. job recruitment 3. child care 4. youth jobs. 108



X Conclusion:

I believe Scenario 2 would have an impact on the community of W.Berkeley. Unfortunately, W.Berkeley is under tremendous pressure from outside sources. The community is a fragile one and is indeed in need of the City's protection.

I believe that the development should be humane and should preserve concepts such as:

1. Open space
2. a quality of life
3. gradual growth vs. rapid growth
4. stabilization of existing industries/tenants/businesses/artists/crafts etc.
5. maintain a safe and neighborly character
6. diversity of all aspects of life

A handwritten signature in cursive script, appearing to read "B. J. Hance", written in dark ink.





Response to Comment 97

Comments noted. Changes in the proposed project (including discussion of each of these recommendations) are described above on pages 2 through 4.

Response to Comment 98

Comment noted. The project sponsor and project architects have prepared sketches of the internal layout of the Durkee building and are discussing the spatial needs of existing tenants and potential location of these tenants in the renovated building. However, the issues involving particular tenants remain outside the scope of this EIR.

Response to Comment 99

Comment does not require a response under CEQA. The applicability of the residential unit preservation ordinance and the city's rent control law is a question which is being addressed outside of the CEQA process. A final determination is pending.

Response to Comment 100

Comment noted. The revised transportation analysis is found above on pages 9 to 21 where recommended mitigation measures address the underlying concern noted in each of the three points raised in this comment.

According to the supplemental analysis, Seventh Street is approaching saturation and will be saturated with the development of projects planned within the next five years. In the recommended mitigation measures, near term actions for improvement of Seventh Street are discussed. The need for areawide improvements caused by the potential development of the long term cumulative projects is also discussed.

Response to Comment 101

See Comment and Response #1.

Response to Comment 102

Please see The Site's Landmark Status above (p. 5).

Response to Comment 103

Please see The Site's Landmark Status above (p. 5).

Response to Comment 104

Comment noted. Recommended mitigation measures for forecast housing impacts are presented on pages 74-75, DEIR. The Office of Economic Development is presently developing the city's approach to housing mitigation based on the DEIR analysis.

Response to Comment 105

Please see the supplemental Archeology analysis above, (p. 30).

Response to Comment 106

Comment noted. Please see response to comment #96.



To: Berkeley Board of Adjustments  
Acting Lead Agency, Durkee EIR

August 13, 1985

From: Joe Marsh, Landmarks Preservation Commissioner

Re: Draft Environmental Impact Report, Durkee Site

As a member of the Landmarks Preservation Commission, who will be asked to evaluate the Durkee Project on it's impact to the historical site, I personally cannot take the draft EIR seriously. In a series of public hearings last year, the Landmarks Preservation Commission gave landmark status to the Durkee site. This decision was later upheld by the City Council when appealed. I can only take these actions to mean that the citizens of Berkeley see this site as having local historical significance, and would like to preserve it if possible.

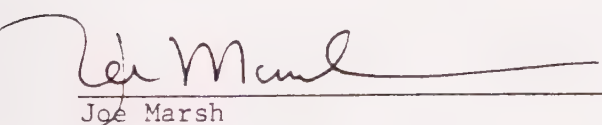
107

I understand from reading the California Environmental Quality Act that the job of the EIR writer is firstly, after identifying negative environmental impacts, to propose alternatives to the project which would avoid or lessen those negative impacts. Finally, if there are no alternatives to avoid negative impacts they should show why.

This report side steps that whole process by showing that when viewed under broader definitions than Berkeley's, the site is not historically significant. Berkeley's Landmark Preservation Ordinance was set up so that people of this City could use local standards to evaluate historical significance. CEQA further states that local laws shall be taken into account and take precedence over broader laws. This report dismisses the significance of the local ordinance and the actions taken under it.

I urge you, as I will urge my fellow Commission members, to request a rewrite of the section of the EIR regarding historical significance taking into account the local ordinance and the action taken under it without questioning those actions. Whether or not the site is truly historically significant is the decision of the Landmarks Preservation Commission. Alternatives to the single site plan remaining should be proposed; or, reasons why the one proposal is the only possibility should be set forth.

I will not vote for approval of any action until the EIR is rewritten.



Joe Marsh

cc: Honorable Mayor and City Councilmembers  
Landmarks Preservation Commission



Response to Comment 107

Comment noted. Please see The Site's Landmark Status above (p. 5) and the response to comment #67.





## SYBASE

Board of Adjustments  
City of Berkeley

Dear Sir/Madam,

I am co-founder of Sybase, a computer software firm located in Berkeley. We are a startup experiencing very rapid and successful growth having expanded from 1 to 50 people in less than 2 years. I am also a Berkeley resident and have lived in the Berkeley-Albany area since starting as a freshman at Cal in 1970 - thus I have had a long time to observe and participate in Berkeley City Government.

I would very much like to see the business I started continue to stay within the City of Berkeley and continue a mutually beneficial relationship. Recent actions between the Warham group, my landlord, and the various governing bodies of the City of Berkeley have made me very nervous. My concern is the lack of an organized process for encouraging and/or discouraging business development in the City of Berkeley. If the City would like to encourage service businesses such as mine which employs large numbers of people with minimum demand on city services, it must have a rational way to encourage the development of new and renovated office structures.

I originally was interested in the South-West Berkeley area because the land was relatively unused, it would not conflict with residential development, and the area as a whole would benefit from land improvement. I didn't imagine that the City would disagree. Yet in the last 18 months attempts to improve some of the land have been stalled. You must be in a position to either tell people yes or no - not just to delay indefinitely. By the end of 1987, Sybase expects to have 90 employees and will be out of office space. I have no confidence that it will be possible to construct a larger building to house the company within the City of Berkeley. While Emeryville is only two blocks away, I would like to work with the Board and continue to remain in Berkeley in a mutually desired location. I urge the Board to quickly develop a rational process which will allow businesses and developers to work with the City, otherwise, the City of Berkeley will needlessly continue to lose desirable jobs and revenue while land remains idle and useless. In such a situation, no one gains.

Dr. Robert Epstein  
Executive Vice President





Response to Comment 108

Comments noted. No response necessary.



August 25, 1986

AUG 25 1986  
ZONING DIVISION

TO: BERKELEY BOARD OF ADJUSTMENTS, LEAD AGENCY, DURKEE E.I.R.

FROM: MAARS STEERING COMMITTEE

Merchants, Artisans, Artists and Residents of SW Berkeley

AUG 27 1986

Our comments on the Draft Environmental Impact Report for the Durkee Project are as follows:

Traffic and parking

The traffic considerations do not seem adequate. Although the site will accomodate 300 cars, there is no plan as to how to move this larger number of commute vehicles in and out during peak rush hours. One suggestion might be to add a signal light at Heinz & Seventh. This would not interrupt through traffic on Seventh St. if it were timed properly with the signals at Anthony & Seventh and Ashby, and would allow traffic to flow out of the west office building onto Seventh to the left or right and onto San Pablo via Heinz.

We would also suggest that a comprehensive traffic study be done which includes a circulation study of the proposed conversion of the Heinz Building (60,000 sq. ft. of offices), the Whole Earth Access buildings (100,000 sq. ft. of retail), Parker Plaza (160,000 sq. ft. offices), AIRCO Temescal (160,000 sq. ft. industrial and offices), and the Durkee Site project (120,000 sq. ft. mixed use).

The cumulative effect of these projects, some proposed and others completed, are having a tremendous impact on traffic in the area. This Draft EIR lists other projects in the area but does not attempt to address the cumulative impacts these projects will have nor suggest mitigations.

Another suggestion might be to coordinate the working hours so that buildings using the same streets as feeders into Ashby and San Pablo empty at staggered intervals.

The EIR does not address the cumulative impact of the above-mentioned projects on the residential sections of this 25 block area. There are by most recent count 175 residences in the area.

MAARS supports the idea of developing more live-work space on the site, specifically in the Durkee Building. This would also mitigate somewhat the net housing impacts of this project.



We believe that this project and all other projects underway or proposed in this study area should be coordinated with land use goals in the city's Master Plan and in the West Berkeley Area Planning Committee's "Land Use Elements". To the extent that this Plan is inconsistent with these goals, it should be altered to comply.

115

More mixed uses and diverse architectural styles need to be incorporated into the plan.

116

#### MAARS STEERING COMMITTEE

*Paul J. H. ...*  
*Betsy Strange*  
*Robert ...*  
*Laurie ...*  
*R. J. ...*





#### Response to Comment 109

The traffic mitigation measures recommend that the intersection of Seventh/Anthony be signalized. It further recommends that project traffic exit via Fifth Street to Anthony, and then on to the intersection. Signalization of this intersection should provide greater ease of movement than at the unsignalized intersection of Seventh/Heinz thereby attracting in and out traffic to the alternative route suggested. An exception to this flow would be southbound traffic on Seventh turning tight onto Heinz and then into one of the project parking lots or the garage.

The supplemental cumulative project impact analysis indicates that with other planned development, a signal will also be required at the intersection of Seventh/Heinz within the next five years. When this signal is installed, it could also serve project traffic.

#### Response to Comment 110

The supplemental analysis presented above includes several potential development projects in southwest Berkeley and Emeryville which were not included in the DEIR (C-6 through C-11). The transportation analysis includes projected traffic from all of these developments and recommends mitigation measures as appropriate. In addition to considering an increased number of projects, the supplemental analysis evaluates the effects of these projects on segments of I-80 and the freeway ramps at University and Ashby Avenues.

As recommended in the supplemental analysis, the City of Berkeley should undertake a comprehensive traffic study of southwest Berkeley once the probabilities of actual development on each of the sites becomes clearer.

#### Response to Comment 111

The DEIR and supplemental analysis clearly forecast intersection levels of service in the D and E range at specified intersections. Buildout of space allowable under the Berkeley Waterfront Plan and the Emeryville Bayfront Plan would worsen these levels considerably. Rather than have a relatively small project (see Table 20, p. 135, DEIR for project share of total traffic generated at critical intersections) responsible for correcting large-scale roadway inadequacies, the City should undertake a comprehensive traffic study of southwest Berkeley.

#### Response to Comment 112

Securing flextime agreements from companies at the proposed project would be one potential means of shifting a small portion of the peak traffic demand at critical intersections to other times of day. However, the levels of service forecast are severe enough that this method alone would have only a minor effect.

#### Response to Comment 113

The DEIR discusses the potential impact of the proposed project on housing demand in Berkeley and suggests that the relatively inexpensive housing stock in west Berkeley continues to be a prime target of new in-migrants to the city. Other impacts such as noise, air quality and traffic would impact residences just as they would commercial and industrial uses.



Response to Comment 114

Comment noted. Inclusion of additional live/work units in the Durkee Building could mitigate some of the housing impacts of the proposed project, though a very small portion. The Office of Economic Development is presently refining the city's approach to housing mitigation based on the analysis presented in the DEIR.

Response to Comment 115

Pages 49-52 and 54, DEIR, discuss the various land use goals and policies relevant to review of the proposed project. Please see Comment and Response #84 in regard to the present status of the West Berkeley Area Planning Committee's work.

Response to Comment 116

Comment noted. Modifications to the project based on this comment and others of a similar nature can be found in the Project Revisions section above (pp. 2-4)



LYNN TURNER  
QUICKSILVER POTTERY  
2547 8th STREET, STUDIO U  
BERKELEY, CALIFORNIA 94710  
(415) 549-0588

AUG 28 1986

TO THE BOARD

25 August 1986

AUG 26 1986

Board of Adjustments  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Sirs,

I wish to address the Durkee EIR report recently published.

The study made of the traffic on Ashby does not reflect the reality of the situation on 7th and Ashby and Ashby and San Pablo. I use the 7th street intersection once or twice daily. In the past few months\*with the completion of Aquatic Park Center and the expansion of the Whole Earth Access Center we have had traffic jams. I routinely wait 2-3 lights before entering Ashby from 7th, or 7th from Ashby. There are some clear times, but there is heavy traffic 7 days a week. All of us in the neighborhood are aware of the congestion, it is a popular subject of conversation.

With the completion of additional projects in the area the traffic situation will be out of hand. I am referring to the proposed Colgate development, the Heinz building conversion, the expansion of Whole Earth, the Durkee development, the Emeryville Bay Center Office Park (and housing), in addition to the parking and traffic problems generated by new developments such as Parker Plaza further North.

At no time did I see any evidence of traffic counters on Ashby, there were never metering devices in the roadway. This report needs to be redone so that it adequately reflects the true situation.

Sincerely,



Lynn Turner

THE INCREASE FIRST BEGAN 1-2 YEARS AGO,  
IT IS NOW CRITICAL.



Response to Comment 117

Please see the supplemental Traffic analysis, above (p. 9).

Response to Comment 118

Comment agrees with DEIR. Please see Responses to Comment #111 for additional recommendation.

Response to Comment 119

Please see the supplemental Traffic analysis above (p. 9), which used new intersection traffic counts, taken to update the city's existing database.





PERSONS TESTIFYING AT THE PUBLIC HEARINGS

FIRST PUBLIC HEARING

Tamlin Bright read into the record the written comments of Joe Marsh (which appear herein as Comment and Response #107).

Comment 120 (Jerome Carlin)

The Jewish Community Theatre, which would be housed in the Spice Building, would be performing in a 200 seat theatre, not a 600 seat theatre as mentioned in the DEIR.

Response to Comment 120

Comment noted.

Comment 121 (Jerome Carlin)

The DEIR could have included a greater discussion of the positive benefits of retaining the Jewish Community Theatre in the local community.

Response to Comment 121

Comment noted.

Comment 122 (Jerome Carlin)

The developers (Wareham Development) are bearing the remodeling costs and are subsidizing the theatre with reduced rents.

Response to Comment 122

Comment noted.

Comment 123 (Jerome Carlin)

The delays in project approval are forcing the theatre to use a performance facility in San Francisco for the upcoming season.

Response to Comment 123

Comment noted.

Comment 124 (Susan Druding)

The existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are inconsistent with traffic congestion she has seen and recorded in recent months.

Response to Comment 124

The supplemental Transportation analysis includes the measurement of new traffic volume counts at these intersections and made use of the new counts in the forecast of future levels of service.



Comment 125 (Betsey Strange)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 125

Please see Response to Comment #124.

Comment 126 (Betsey Strange)

National standards are inappropriate benchmarks against which to judge the landmark status of the site.

Response to Comment 126

Please see The Site's Landmark Status above (p. 5).

Comment 127 (Betsey Strange)

The environmental review should include additional archeological analysis.

Response to Comment 127

Please see the supplemental analysis of Archeology above (p. 30).

Comment 128 (Betsey Strange)

The list of cumulative projects should be expanded to include those projects which have been proposed in the interim between the time the majority of the DEIR was completed and the DEIR public hearing.

Response to Comment 128

The supplemental analysis of Cumulative issues has done so (p. 22).

Myrna Walton agrees with many of the comments set forth by Jerome Carlin (comments #120-123) and believes that help for non-profit theatres is needed. No response to these comments is necessary.

Comment 129 (John Shea)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 129

Please see Response to Comment #124.

Comment 130 (Leslie Jones)

The DEIR does not describe the site well enough.



Response to Comment 130

The DEIR and Appendices include a wealth of material describing the site and its context: over 15 pages of text describing the physical, industrial and political history of the site, and the surrounding land uses found on adjacent blocks; two historic photographs; fourteen current photographs; one study area parcel-specific land use map; and one map listing every business in the 30-block larger study area.

The analysis of site and structural characteristics presented under the heading of Historic and Architectural Resources Impacts (p. 55 and 56) has resulted in no small amount of disagreement (see Comments 29-49 and 67-83), which have been addressed in the supplemental analysis above titled The Site's Landmark Status, but the authors firmly believe that the environmental setting of the proposed project has, if anything, been overdescribed.

Comment 131 (Leslie Jones)

The DEIR does not state impacts in a way which links specific impacts with mitigation measures.

Response to Comment 131

Please see The Site's Landmark Status above (p. 5).

Comment 132 (Leslie Jones)

The mitigation measure which recommends that the project utilize design elements which could help the buildings look more industrial does not sufficiently mitigate the project's impacts.

Response to Comment 132

Comment noted. Please see The Site's Landmark Status above (p. 5).

Comment 133 (Leslie Jones)

The mitigation measure suggesting that the applicant could contribute funding toward the preservation of an offsite historically significant structure or site is not enough of a step to mitigate the project's impacts.

Response to Comment 133

Comment noted. This mitigation was one of a number from which the LPC may decide to choose. The supplemental materials above provide suggestions for still other potential mitigations.

Comment 134 (Leslie Jones)

The Landmarks Preservation Commission (LPC) intended for development at the site to be consistent with the existing industrial fabric of these blocks of southwest Berkeley. "More nooks and crannies" are needed.





Response to Comment 134

Comment noted. Modifications to the project based on this comment and others of a similar nature can be found in the Project Revisions section above (pp. 2-4).

Comment 135 (Laurie Bright)

The onsite auto repair business (see Figure 18, Photo 3, p.38, DEIR) is being relocated to another structure in southwest Berkeley.

Response to Comment 135

Comment noted.

Comment 136 (Laurie Bright)

The CEQA process which has occurred to date in the case of the proposed project represents a good faith effort at compliance by all parties. A lot of dialogue has resulted.

Response to Comment 136

Comment noted.

Comment 137 (Laurie Bright)

The historic preservation impacts have not been adequately addressed.

Response to Comment 137

Please see The Site's Landmark Status above (p. 5).

Comment 138 (Laurie Bright)

Funding for any housing mitigation measures should be spent in west Berkeley only.

Response to Comment 138

The Office of Economic Development is presently refining the city's approach to housing mitigation based on the analysis presented in the DEIR. It may be possible for appointed and elected decisionmakers to enact a policy of targeting housing mitigation payments to specific neighborhoods, but such a recommendation falls outside the scope of CEQA.

Comment 139 (Laurie Bright)

The revisions to Scenario Two should include the retention of all live/work spaces in the Durkee Building.

Response to Comment 139

The project sponsor has committed to retaining four live/work spaces in the Durkee Building. Please also see Response to Comment #98.



Comment 140 (Laurie Bright)

Several potential development projects (with which the commentor is familiar) were omitted from the cumulative development in the DEIR.

Response to Comment 140

As presented above in the supplemental analysis of Cumulative impacts, a new expanded list of potential cumulative development projects has been prepared and impacts forecast on this basis.

Comment 141 (Mike Helm)

Traffic is his concern and his suggestion is that Heinz Street be used to allow access to San Pablo. There is less residential development along Heinz Street than Grayson on which he lives. Furthermore, could Heinz be designated as a reversible one-way street (e.g. one-way, say, east, in the morning, and the other way, west, in the evening)?

Response to Comment 141

The DEIR (pp. 98-101) and supplemental Transportation analysis above (pp. 9-22) recommend traffic improvements for the roadway network in the vicinity of the site.

Comment 142 (Jason Guy)

The DEIR left out any discussion of wildlife, specifically three owls which could be seen at the site as recently as May 1986.

Response to Comment 142

Comment noted. The initial study (Appendix A, p. 156, DEIR) prepared by city staff determined that no significant impact on animal life would result from approval of the proposed project.

Comment 143 (Ed Moore)

The DEIR is a good report as a whole.

Response to Comment 143

Comment noted, appreciatively.

Comment 144 (Ed Moore)

Aquatic Park is nearer the site than the 100 yards mentioned in the DEIR. When one considers the embankment running downhill from the railroad right-of-way, it is more like 100 feet away.

Response to Comment 144

At its nearest edge, just beyond the railroad tracks due west of the site, the Aquatic Park boundary may be as near as 100 feet. The boundary approximation of 100 yards used in the DEIR is inaccurate, though the grassy and pedestrian walkway portion of the park lies closer to 100 yards from the edge of the project site.



Comment 145 (Ed Moore)

The design of buildings and their inter-relationships in a project like this one are critical. Even the traffic patterns could be changed through more thoughtful design.

Response to Comment 145

Comment noted.

Comment 146 (Ed Moore)

In response to a question from Board of Adjustments member Sam Trosow, Mr. Moore said he did not believe that it was a shortcoming of the DEIR not to have examined a housing alternative. The site has been designated for industrial/manufacturing uses for a long time and the West Berkeley Area Plan Committee has agreed that this designation should continue.

Response to Comment 146

Comment is in agreement with the DEIR and is noted for the record.

Comment 147 (Ed Moore)

In response to a second question from Mr. Trosow, Mr. Moore reiterated his point that neither the staff nor the consultant can be faulted for not considering a residential land use alternative on the site.

Response to Comment 147

Comment noted.

Jane Edgington, representing the Berkeley Architectural Heritage Association (BAHA), read into the hearing record the letter sent by the board of BAHA. That letter appears in its entirety above and has been designated as Comments and Responses #67-83. No separate response is necessary to the verbal recitation of the same comments at this hearing.

Comment 148 (Robert Reiter)

Traffic is his chief concern. Today's traffic is worse than described in the DEIR.

Response to Comment 148

Please see Response to Comment #124.

Comment 149 (Robert Reiter)

Because the Seventh Street corridor has few traffic signals, the south-bound morning traffic on Seventh Street [in the vicinity of the site] backs up for five blocks.

Response to Comment 149

Comment noted.



Comment 150 (Robert Reiter)

He approves of the recommendations in the DEIR regarding tenants in the Durkee Building. As a tenant in the building, he is in negotiations with the project sponsor regarding his future lease.

Response to Comment 150

No response necessary.

Comment 151 (Rick Auerbach)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 151

Please see Response to Comment #124.

Comment 152 (Rick Auerbach)

Additional cumulative development projects which were not included in the DEIR were listed.

Response to Comment 152

These projects and others have been included in the supplemental Cumulative analysis (p. 9) and Transportation analysis (p. 22) above.

Comment 153 (Rick Auerbach)

The environmental review should include additional archeological analysis.

Response to Comment 153

Please see the supplemental analysis of Archeology above (p. 30).

Comment 154 (Rick Auerbach)

The FEIR should include a discussion of the West Berkeley Plan *Overall Vision and Goals* document. It is the opinion of the commentor that the proposed project is not consistent with the general direction provided in that document.

Response to Comment 154

Comment #91 also raises the question of the degree of specificity found in the draft West Berkeley Plan document as well as the standing which the draft currently enjoys. As noted in the Response to Comment #91, the draft has no official standing. For the EIR to use this working draft as an official element of the city's Master Plan would be inappropriate; it has a long way to go through the public review and adoption process before it attains the distinction of city policy. More importantly however, the *Overall Vision and Goals* document is insufficiently directive to be of value in evaluating a specific development project on the Durkee site.





Comment 155 (Rick Auerbach)

Housing on the site would result in positive mitigation of traffic impacts.

Response to Comment 155

Please see Comments and Responses #146 and #147.

Comment 156 (Rick Auerbach)

The Wareham projects (in Berkeley and in nearby areas of Emeryville) have a greater growth-inducing impact than that described in the DEIR.

Response to Comment 156

Two key characteristics of the study area lead the authors of the EIR to hold the opinion that growth-inducing effects of this project in and of itself would be relatively minor.

First, the development pressure presently being experienced in west Berkeley and in Emeryville has been under way for at least two to three years now and will exist for the indefinite future.

Second, the several large-scale approved projects and two areawide plans for development which focus on sites and districts in or adjacent to southwest Berkeley hold a growth-inducing potential hundreds of times as great as that of this mixed-use project.

In summary, development pressures in southwest Berkeley have occurred and will continue with or without the proposed project, and the individual effect of this project should not be noticeable. (Please see the supplemental analysis of Cumulative Impacts above for a discussion of the effects of all of the potential new development in southwest Berkeley on traffic and other environmental topic areas.)

Comment 157 (Roberto Barragan)

The DEIR does not reflect progress made by the West Berkeley Area Planning Committee. A goals document is now available.

Response to Comment 157

Please see Response to Comment #91.

Comment 158 (Roberto Barragan)

He is concerned about the fit of the proposed project in the M zoning district. Scenario Two is not completely consistent with the goals of the Area Planning Committee, but it does represent a good approach. He suggested that the city may wish to enact some form of interim controls on development to maintain mixed uses. Would like to see project proceed expeditiously.

Response to Comment 158

Comments noted.



Comment 159 (Roberto Barragan)

General comments about critical nature of traffic problems and questions about DEIR transportation section.

Response to Comment 159

Please see supplemental Transportation analysis above (p. 9).

Comment 160 (Phillip Friedman)

Read into record a letter from Mr. Robert Epstein (which appears above as Comment and Response #108).

Response to Comment 160

No response necessary.

Comment 161 (Darrell deTienne)

The project architect broadly described some of the changes which are proposed and reminded the audience and Board that several of the mechanisms for establishing specific mitigation measures for environmental impacts (e.g., traffic and housing) are not yet in place.

Response to Comment 161

Comments noted. No response necessary.

Comment 162 (Bob Sparks)

More time is necessary for adequate review of the project by Berkeley citizens. The Aquatic Park development represents the destruction of a neighborhood. The landmark designation was applied not because of tenants in the buildings but for historic and structural reasons.

Response to Comment 162

Comments noted. No response necessary.

Comment 163 (Zona Sage)

As attorney representing Durkee Building tenants in negotiations with project sponsor, she feels more attention should be given to the issue of displacement.

Response to Comment 163

Negotiations between representatives of the tenants and the landlords are underway at this time, though formal agreement as to the facts or interpretation of legal issues has not yet been completed.



Comment 164 (Rena Rickels)

Wareham accepts the DEIR in general but has reservations about the employment and housing section. She has submitted a letter (see Appendix D) which argues for two reasons that the housing impact of the proposed project would not be as great as forecast in the DEIR. Several other general comments about the project itself (unrelated to the DEIR analysis) were also made.

Response to Comment 164

The projection of both employment and housing impacts is an art which is subject to empirical data, estimates of future conditions and many assumptions. The submitted materials make a case for a lower level of housing impact than that forecast in the DEIR. However, the DEIR's more conservative approach is more consistent with the letter and spirit of CEQA. This is particularly true given the uncertainty over tenant selection throughout the project.

Comment 165 (Rich Robbins)

General discussion of project and review process.

Response to Comment 165

No response necessary.

Comment 166 (Keith Cranberg)

Live/work space should be retained at the Durkee Site.

Response to Comment 166

No response necessary.

SECOND PUBLIC HEARING

Comment 167 (Leslie Jones)

Several comments regarding the adequacy of the DEIR section on Historic and Architectural Resources Impacts were reiterated.

Response to Comment 167

Please see supplemental analysis of The Site's Landmark Status (p. 5).

Comment 168 (Leslie Jones)

Several general comments involving the revisions to the project as set forth by the project architect and questions about whether they represent the "official" proposed project.





Response to Comment 168

The current proposed project, which includes refinements described at this public hearing, is set forth above under Project Revisions (pp. 2-4). It is likely that minor changes will continue to be incorporated into the project as a result of ongoing inputs from and negotiations among interested groups and individuals (see footnote 1, p. 1 above).

Comment 169 (Gil Kelley)

Mr. Kelley distributed the letter from MAARS to members of the Board.

Response to Comment 169

See Responses to Comments #109-116.

Comment 170 (Darrell deTienne)

Descriptive information regarding recent project revisions was presented.

Response to Comment 170

Please see Revised Project (pp. 2-4).

Comment 171 (Rick Auerbach)

There were four live/work spaces when Wareham Development purchased the site and there should be (at least) four once a new project is completed.

Response to Comment 171

Comment noted. No response necessary.

Comment 172 (Rick Auerbach)

The Berkeley Master Plan says future development should reinforce existing land uses. The "industrial/R&D/retail" designation proposed for some buildings in this project will simply gravitate toward pure R&D uses, not industrial uses.

Response to Comment 172

Comment noted. It is possible that this could happen. The Board of Adjustmentments may wish to exercise control over the wording of the subsequent use permit which would require a specified allocation of square footage to land use types.

Comment 173 (Leslie Jones)

The hope was expressed that the FEIR would address the "fact" that the neighborhood surrounding the site is becoming "monolithic" in its use and character.



#### Response to Comment 173

The authors of this report believe that the DEIR description (pp. 45-49, DEIR) of the land uses in the larger study area--which indicates a wide variety of uses in a heterogeneous building stock--is accurate. As described there and in Chapter V, Cumulative Impacts, development patterns are changing in southwest Berkeley and throughout nearby Emeryville. The pressures for development underlying these changes are caused by a variety of very complex factors, most of which are independent of the proposed project. The project, by including a variety of uses and by retaining older structures in addition to building newer ones, would help reinforce the existing variety in the area.

#### Comment 174 (Leslie Jones)

A comment was made that housing on the site would lead to benefits for the city. Housing would serve as a mitigation measure of sorts.

#### Response to Comment 174

Please see Comments and Responses #146 and #183.

#### Comment 175 (Laurie Bright)

The letter from BAHA was paraphrased.

#### Response to Comment 175

Please see Comments and Responses #67-83.

#### Comment 176 (Laurie Bright)

Board member Trosow asked Mr. Bright for examples of instances in which the DEIR is internally inconsistent and one example was noted (see Comment and Response #72, pp. 73 and 76).

#### Response to Comment 176

No additional response necessary.

#### Comment 177 (Laurie Bright)

Board member Trosow asked staff member Gil Kelley why it was that the DEIR focused more attention on state and national standards for its findings with regard to the landmark designation of the site, and less on the LPC's criteria which stem from the local landmark preservation ordinance.

#### Response to Comment 177

Mr. Kelley responded and the EIR consultants agree that a more thorough inclusion of the local criteria would be appropriate to include. Please see The Site's Landmark Status above (p. 5).



Comment 178 (Bob Sparks)

The smokestack no longer has its building surrounding it and the safety of workers in a new building there would be questionable.

Response to Comment 178

As part of the analysis prepared for the DEIR, Mundie & Associates engaged a structural engineering firm (GFDS Engineers, San Francisco) to review all of the onsite structures and evaluate the cost estimates prepared for Wareham Development with regard to retaining the smokestack and bracing it to withstand potential earthquake ground movement.

The conclusion of this independent analysis was that retention of the smokestack could be done as part of the project, but that it would be relatively costly. It would be the responsibility of the project sponsor to meet all local building and safety codes.

Comment 179 (Walt Milliken, Board of Adjustments)

The DEIR would have been better if it included an alternative maintaining the land uses as they historically have been.

Response to Comment 179

Please see Alternatives to the Proposed Project (pp. 139-145, DEIR) where "Alternative B: Maintaining or Expanding Live/Work Space and Retention of Other Existing Land Uses in Renovated Structures" attempts to achieve this objective.

Comment 180 (Walt Milliken, Board of Adjustments)

Some of the Caltrans concerns are also of concern to him.

Response to Comment 180

Please see Comments and Response #4-21 and the supplemental Transportation analysis above (p. 9).

Comment 181 (Walt Milliken, Board of Adjustments)

General comment in favor of childcare mitigation measure recommended in DEIR.

Response to Comment 181

Comment noted.

Comment 182 (Catherine Roha, Board of Adjustments)

The Final EIR sections addressing historic preservation should be presented for review prior to the Board meeting at which FEIR certification is scheduled.

Response to Comment 182

This FEIR is being circulated for thirty days prior to certification.



Comment 183 (Sam Trosow, Board of Adjustments)

Which alternative addresses the potential for additional housing at the site?

Response to Comment 183

Mr. Kelley responded (and the EIR consultants agree) that the site is inappropriate for significant levels of new housing development, other than live/work. The only area for significant housing onsite would be at the west end, which is inappropriate due to its proximity to the railroad (and associated noises). For these reasons, analysis of an alternative including additional onsite housing was not part of the original scope of services. Furthermore, no discussion of including a housing alternative was ever broached at the scoping sessions held on the project.

Comment 184 (David Taylor, Chairperson, Board of Adjustments)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 184

Please see Response to Comment #124.

Comment 185 (David Taylor, Chairperson, Board of Adjustments)

The cumulative project list should be expanded to include the Emeryville project mentioned by an earlier speaker and any other potentially significant development projects.

Response to Comment 185

As noted in previous responses, the list of cumulative development projects has been expanded and takes into account in all of the supplemental analyses presented above. See supplemental analysis of Cumulative Impacts (p. 22) for expanded list and project characteristics.





CHAPTER IV

APPENDICES



LANDMARKS PRESERVATION COMMISSION

Martin Luther King, Jr.  
Civic Center Building  
2180 Milvia Street  
Berkeley, CA 94704

Regular Meeting  
August 18, 1986

MINUTES

I. ROLL CALL

Commissioners Present: Jones, Manning, Marsh, Scherer, Sparks, Stein  
Youngmeister

Absent: Kasin

Staff Present: Mark Paez

After the roll call, staff reported on the current Commission composition. First, it was announced that the appointment of Joe Marsh was official as he had filed all the necessary documents with the City Clerk. Secondly, staff disclosed that Commissioner Ehrenberger was allowed to maintain his appointment until such time as Commissioner Woodbridge is replaced. Staff concluded by stating that Richard Ehrenberger had yet to confirm whether or not he would continue to serve on the Commission.

II. APPROVAL OF MINUTES

The following correction was made to the July 21, 1986 minutes:

Item III.B - Tupper & Reed Building - the vote was corrected to list Sparks as a yes and to indicate that Commissioner Scherer was absent.

It was MSC (Jones/Marsh) to approve the July 21st corrected minutes.  
The Motion Passed: Unanimous; ABSENT: Kasin,

III. OLD BUSINESS (Continued from July 21, 1986 meeting)

A. Review of Draft Environmental Impact Report - Aquatic Park Center Project (Durkee Site).

Vice Chair Stein announced that he would chair the meeting on all matters related to the Durkee Project as Chair Youngmeister had stepped down from the Durkee Task Force permanently and the Commission temporarily when any discussions or deliberations regarding any aspect of this project are addressed by the Commission. Staff distributed a memorandum from the City Attorney on the issue of Youngmeister's possible conflict of interest should he be retained by the Wareham Group to provide architectural services. Chair Youngmeister distributed a letter to the Commission disclosing his status with regard to the Commission and the Durkee Task Force.



Prior to the discussion of the Environmental Impact Report (EIR), the Commission questioned staff as to the impetus for the August 4th letter from Chair Youngmeister regarding the status of the Durkee Project and the Landmarks Ordinance in general. Staff reported that Chair Youngmeister had received an inquiry from the Wareham Group for clarification of several provisions of the ordinance and the status of their demolition permits. Staff continued by stating that Youngmeister felt that the request warranted a letter and that they had jointly drafted the letter. Upon completion, the letter was sent to the City Attorney for review and comment and was determined to be accurate. Staff concluded by stating that it is not unusual for applicants/property owners to make inquiries about the limitations imposed when a building is landmarked and that a letter of this type seems appropriate in this case, given the complexity of the project and number of questions asked. The Commission identified several errors in the letter.

It was MSC (Jones/Sparks) to direct staff to prepare a draft letter for Commission review which would correct the assumptions and factual errors made in the LPC letter to Wareham properties dated August 4, 1986, prepared by Chairperson Youngmeister.

The Motion Passed: AYES: Jones, Manning, Marsh, Scherer, Sparks, Stein; NAY: - ; ABSTAIN: - ; ABSENT: Kasin.

Following the motion, staff introduced the matter, briefly outlining the project history and introduced Gil Kelley. Mr. Kelley, the City's Environmental Planner, who is responsible for coordinating the preparation of the EIR, gave a presentation on the Commission's role in this environmental review process.

The Commission is being asked to comment, either individually or collectively, on the accuracy, completeness and adequacy of the Draft. This document has also been made available to other boards and commissions, and to the general public for comment. All substantive comments will be responded to in the Final EIR.

The Board of Adjustments (Lead Agency for this project) is responsible for taking testimony on the Draft EIR and, eventually, for certifying the final EIR. All comments will be forwarded to the Board by August 8, 1986. The Board will also be holding a public hearing to take verbal comments (tentatively scheduled for August 13, 1986).

The role of the LPC in this environmental review process is one of review and comment. Under the California Environmental Quality Act, the Commission acts as a "responsible agency", that is one which may later be asked to act on the proposed project in some way, and which therefore has an interest in seeing that its concerns are addressed





in the EIR, but which is not the agency which takes the primary action on the project - in this case, the Board of Adjustments. No formal action on the EIR, other than to review and comment, is required of the LPC. However, because this is a designated landmark site, and because the Commission will later be asked to act on the development proposal, staff strongly recommends that Commissioners read and review this Draft EIR, and that the Commission forward its comments to the Board.

In reviewing and commenting on the Draft EIR, it is best to focus on the form accuracy, completeness, and adequacy of the environmental analysis presented, rather than on your feelings about the project itself. For instance, you might ask yourself, "Does the EIR adequately project the consequences of this proposed development, in terms of its compatibility with neighboring structures, or its potential to displace existing land uses?", rather than asking yourself, "Do I like this arrangement of uses within the site plan?", or "Is this what I would prefer, in terms of building materials?" The purpose of the EIR is to serve as an informational document which describes what environmental consequences would be likely to occur if the project, as proposed, were approved. Your full consideration of the merits of the project itself is reserved for consideration of the use permit application.

The EIR, once finalized and certified, does not constitute project approval. However, the discussion of mitigation measures and project alternatives can prove helpful, in subsequent discussions on the use permit request itself, in terms of the general changes which would need to be made to make the project acceptable. The EIR is prepared by consultants to the City, not by the applicant, and is therefore meant to be an objective, professional look at the project. Your comments on this Draft EIR will be helpful to them in preparing the final.

Although the review of the EIR was not a public hearing the Commission heard testimony from Joan Collignon of Berkeley Architectural Heritage Association (BAHA) and Laurie Bright of the West Berkeley neighborhood group known as M.A.R.S. Joan read from an August 2nd letter from BAHA to the Board of Adjustments, which considered the EIR inadequate and requested that sections of the EIR be rewritten as well as to extend the public review period. Mr. Bright spoke briefly, expressing M.A.R.S. support for the Durkee Project.

Due to the lengthy discussion of the EIR, the Commission's comments have been summarized:

Why aren't other design scenarios considered in the EIR's evaluation of impacts? There are 5 structures; the impacts of conserving or demolishing various combinations should be examined.



The project's relation to the Copra building should be evaluated, in terms of both design and use, including future uses of the Copra building.

The alternative discussion should be expanded to more fully discuss the impacts of the alternatives, rather than simply posing them as options.

The effect of keeping the 810 Heinz and Experimental Kitchen buildings should be evaluated.

An explanation of why some buildings are deemed worth retaining and others not, is needed.

The EIR should recognize that the courtyard is an historically important feature of the site.

The EIR does not provide the information necessary for the LPC to make informed judgments about the demolitions and new development under local law (Landmarks Preservation Ordinance). The local issues should not be sidestepped by saying that the site does not qualify under National or State standards. What are the specific impacts of taking these structures down?

The EIR should state whether adverse impacts can be avoided, and if not, why.

The EIR should recognize that beyond architectural merit, the site has historic and cultural value now, as it functions now (and in recent history).

In the initial scoping session, the consultants cited 3 issues which were to be addressed in the EIR, which were not adequately addressed in the Draft EIR.

- How valuable is the existing smokestack to the landmark status of the site?
- What on-site buildings merit preservation?
- How compatible would the project's structures be with the streetscape, and the surrounding buildings.

The EIR should take the specific portions of the site and discuss each, e.g. how they are contributed to, or detracted from, by the proposed new development. For instance, the Durkee building - how is it enhanced or not enhanced by the new features?

The impacts or importance of landscaping should be examined.



In our motion to landmark the site, the role of open space on the site played a very important part. How will this be changed? How will the feel of the spaces be changed?

Under our Ordinance and under CEQA we must balance economic interests and other environmental considerations. On the basis of the present EIR we have no idea whether the impacts would be mitigated or whether a finding of "overriding considerations" will be required. There are no facts as to whether a certain plan might mitigate the losses to the site (demolitions and in filling), or whether the other benefits of the project (jobs, etc.) are to make up for these losses.

Are there feasibility reasons why there is no better proposal than tearing down 3 of the buildings?

The document has not given credence to the reasons why we landmarked the site. This is necessary before impacts can be assessed. The landmarking of the site represented a response to the concern of the community, not just of the Landmarks Commissioners.

The EIR should recognize that the site is large enough to accommodate everyone's desires: preservation, new construction, uncovering of the creek, etc. These are not necessarily trade-offs against one another.

The document must analyze the spacial and visual effects of altering the present features of the site. For instance, by removing 810 Heinz, what is done to the streetscape, how will the Durkee and Copra buildings there fit into context.

### Findings

It was MSC (Jones/Manning) that the Landmark Preservation Commission finds the Draft EIR for this project inadequate because it does not identify the effect of specific demolitions of features that define the historic architectural aspects of the site, including: the courtyard, smokestack, 810 Heinz building, the experimental kitchen and the loading dock. The Commission also finds the document inadequate in that it does not provide information on the effects of changes to the site, necessary to make eventual findings for demolition requests under Section 3.24.260 of the Landmarks Preservation Ordinance.

Finally, the Commission shares the view expressed by the Berkeley Architectural Heritage Association in its letter of August 13, 1986 to the Board of Adjustments, that the sections of the EIR which treat historic, cultural and architectural issues be rewritten. Also, the Commission strongly endorses the letter sent by Commissioner Joe Marsh, dated August 13, 1986, to the Board of Adjustments. The Motion Passed: Unanimous; ABSENT: Kasin





Upon conclusion of the discussion, the Commission assigned Commissioner Marsh to the Durkee Task Force, as a replacement for Andrew Youngmeister and requested that staff apprise Neil Mayer of the appointment.

B. Design Review Ordinance - discussion

The Commission discussed whether or not it should take any action on this matter in light of the Council's adoption of the ordinance on July 2, 1986. The Commission expressed dissatisfaction with the results of the communication to Council regarding the inadequacies of the ordinance and the overall lack of consideration of their interests and concerns.

Chair Youngmeister suggested that the Commission monitor the design review ordinance and its implementation and to communicate the need for increased staff support for the LPC. It was decided that Commissioner Marsh would be responsible to follow any developments around this ordinance.

C. Delaware Street Historic District - common area improvements.

Staff announced that Willie Cook, the project developer, had agreed to meet with the Commission at a later date. Mr. Cook anticipated that he would be able to attend the September 15th Commission meeting.

D. Old City Hall Restoration Project - status report, staff.

Staff reported that Public Works anticipated beginning work on the Cupola and the Uplands Pavilions in October.

It was MSC (Jones/Scherer) to request that the Public Works Department present its proposed work for both of these buildings at the next regular Commission meeting, and to provide the Commission with all plans and specifications for these projects.

The Motion Passed: Unanimous; ABSENT: Kasin

F. Berkeley Municipal Pier - report on Council action.

Commissioner Stein reported on the August 6, 1986 Council action on the appeal of the landmark designation. Commissioner Stein disclosed that Congressman Dellums had been trying to secure funds for the demolition of the Pier for the past four years and that the retention of the landmark designation reduce the City's chances of getting these funds. Stein continued, stating that Council, after receiving extensive public testimony, was also cognizant of the environmental impacts that could result from the demolition of the abandon portion of the pier, and that Council did not want to eliminate any of their options. Citing the action





## APPENDIX B

## LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS

LEVEL OF SERVICE	INTERPRETATION	STOPPED DELAY PER VEHICLE (SEC)
A	Very low delay, i.e., less than 5.0 sec per vehicle.	$\leq 5.0$
B	Good progression with little queuing in a single signal cycle.	5.1 to 15.0
C	Light congestion; occasional backups on critical approaches.	15.1 to 25.0
D	Significant congestion on critical approaches but intersectional is still functional. Vehicles required to wait through more than one cycle during short peaks. No long standing queues formed.	25.1 to 40.0
E	Severe congestion with some long standing queues on critical approaches. Blocking of intersection may occur if traffic signal does not provide for protected turning movements.	40.1 to 60.0
F	Total breakdown, stop-and-go operation	$> 60.0$

Source: Institute of Transportation Engineers, 1985  
HIGHWAY CAPACITY MANUAL.



Benjamin Ananian  
Consulting Archaeologists  
2408 Civic Avenue  
Hayward, CA 94542  
(415) 581-7837

October 24, 1986

David R. Clore  
Mundie & Associates  
4902 California Street  
San Francisco, CA 94118

Dear David:

This letter report summarizes my archaeological investigation of the Durkee site at the foot of Heinz Avenue, Berkeley, CA.

The Northwest Information Center of the California Archaeological Inventory conducted a records search for the area and found no previously recorded prehistoric or historic sites listed. However, they noted that the proposed project at the Durkee site is near two large prehistoric sites, and that there is a possibility that cultural resources may be present. They therefore recommended further investigation of the area.

The site has been extensively sampled by Peter Kaldveer and Associates, Inc., Geotechnical Consultants. Their boring logs were reviewed. They showed no indication of cultural material. A surface inspection of the site revealed no indication of archaeological material. Two additional auger units were sunk in the northwest corner of the project site. The findings from these units were consistent with the geotechnical units. Approximately one foot of yellow gravelly sand fill capped a silty clay devoid of cultural material.

No mitigation is necessary or recommended.

Sincerely,



Benjamin Ananian  
Consulting Archaeologists



# WAREHAM DEVELOPMENT

August 11, 1986

Mr. Neil S. Mayer  
Assistant to the City Manager  
for Economic Development  
City of Berkeley  
2180 Milvia St.  
Berkeley, CA 94704

Dear Neil:

We have studied the housing impact projections made on the Durkee EIR. After further input from the existing tenants and the prospective tenants for the Durkee development, we have been able to significantly decrease this impact. There are 2 major areas by which the total number of housing units to be displaced will be reduced.

The first of these is the specific land use and employee occupancy rates. You will note that artist studios, laboratory and light industrial uses are much less dense than office or restaurant use. The second, and most important factor is that the formula used by Mundie and Associates was not in keeping with the formula used in your Courtney EIR. We have aligned the projected new employment figures in this study with the housing impact formulas used in the Courtney EIR.

The combined effect of this more realistic and more exact calculation shows a much decreased housing impact. In addition to enclosing the methodology for the new housing impact figures, I have enclosed a breakdown of the existing and new buildings which further explain the fewer number of new employees in the project. Also, enclosed is a letter from Xoma Corporation confirming their employee density figures and the expected tenancy in the Durkee project.

One additional area of concern is that any change under the formula used will always warrant housing unit necessity from any change no matter how small. I'm not sure this mitigation is viable relative to restraint on free market tendencies that currently exist.

Sincerely,



Mark Scher

Enclosures (3)

MS:ed





# WAREHAM DEVELOPMENT

August 11, 1986

Mr. Neil S. Mayer  
Assistant to the City Manager  
for Economic Development  
City of Berkeley  
2180 Milvia St.  
Berkeley, CA 94704

Dear Neil:

Based on new information which was originally<sup>un</sup> available to the EIR authors and clarification of assumptions, we have reassessed the potential housing impacts from the Aquatic Park Center project. After reading the "Employment and Housing" section of the Draft EIR, we were unsure how some of the numbers had been generated and what sources were used for the information. We have been in touch with some of the tenants who are planning to locate in the project to get up-to-date and site-specific information on the number of new employees. For those parts of the project where the tenant is not yet known, we present employment density assumptions from specific studies and reports which are cited below.

To begin with, it is important to note which parts of the project are to be occupied by existing tenants and which will be new tenants. One major new tenant will be Xoma Corporation which will occupy primarily laboratory space. The following table shows the total square footage of the project and that portion which is to be open to new tenants and will thus result in the creation of new employment. Please note that only Scenario Two is being considered at the present time.

Table 1  
Square Footage of Project to  
Result in New Employment

Building	Total Square Footage	Square Footage for New Employees	Square Footage with No New Employees
Durkee	24,000	17,500	6,500(a)
Mixed Use Bldgs	37,056	18,432	18,624(b)
West Office Bldg	53,600	53,600	-0-
Spice Building	13,500	13,500	
TOTAL	28,156	103,032	25,124



# Footnotes to Table 1

- (a) 6,500 square feet will be occupied by existing tenants.  
 (b) The major tenant for this building, Xoma Corporation, has stated that 18,624 square feet will allow an expansion of their existing space (primarily for equipment) and will not result in any new employment, either at their existing space on Seventh St. or at the new building. Please see letter attached.

-----

To determine the employment impacts of the 103,032 square feet of new "employment-generating" square footage (see Table 1), one can use accepted employment density assumptions which vary by type of land use. The Draft EIR did not state what assumptions (i.e., land use types and associated multipliers) were used to determine that 400 new employees would be generated by the project. Table 2 shows the types of land uses of the project and the expected employment from each building. As no surveys have been prepared for the City of Berkeley for each of the specific land uses, it seems much more appropriate to provide a range that shows the low to high potential employment generation.

Table 2

## Primary Employment Generation

Building	New Sq. Ft.	Land Use	Sq.Ft./Employee	New Employees
Durkee	8,000	Office	225-275(a)	29-35.5
	4,000	Restaurant	170(b)	23.5
	5,500	Art Studios	750-1000(c)	3.0-7.3
<b>Subtotal</b>	<b>17,500</b>			<b>55.5-66.3</b>
Mixed Use Bldg.	18,432	Lab & Light Industry	400-1000(a)	18.4-46.0
New West Office	15,000	Lab	1,000(d)	15.0
	38,600	Office	225-275(a)	140.4-171.6
<b>Subtotal</b>	<b>53,600</b>			<b>155.4-186.6</b>
Spice Bldg.	13,500	Theatre	4,500(e)	3.0
<b>TOTAL</b>	<b>103,032</b>			<b>232-302(f)</b>



Footnotes to Table 2

- (a) California Office of Planning and Research, Economic Practices Manual, April 1984
  - (b) Gruen & Gruen Associates, "Employment Densities by Type of Workplace", July 1985
  - (c) Based on square footage of five existing studios at the Durkee Building
  - (d) Information provided by Xoma Corporation which is based on current conditions. Laboratories require a great deal of space for equipment.
  - (e) Information provided by the Jewish Community Theater which is to occupy the space
  - (f) Numbers for total employees are rounded to the nearest single integer.
- 

As shown in Table 2, the total number of new employees could range from 232 to 302, which is significantly lower than the EIR'S assumption of 400 new employees. If secondary employment is considered (using the same methodology as the Draft EIR), an additional 35 to 45 jobs would be created within the local area. However, we would like to know how the multiplier for secondary jobs was derived and what was the source of the information. If the multiplier really assesses regional employment impacts, can one accurately assume indirect employment for the City of Berkeley alone? With an additional 35 to 45 jobs, the total number of new employees would be 267 to 317, instead of 460 as stated on p. 68 of the Draft EIR.

If one assumes that 38 percent of the jobs would be held by Berkeley residents (as stated on page 68 of the Draft EIR), a total of 101 to 132 jobs would be held by Berkeley residents. We would like to know the source for this 38 percent which was used in the analysis. If this was based on 1980 U.S. Census information, one could challenge this number as being either too low or too high for current conditions. Due to the lack of more up-to-date information and as it is apparently an accepted methodology, we will agree with the assumption at this time.

However, it should be noted that the Courtney Building EIR (March 1986) assumed that 20 to 30 percent of the jobs would be held by Berkeley residents, using information from the Polaris report (August 1985) which showed that 26 percent of private sector jobs in Berkeley were held by Berkeley residents.

The next assumption which could be easily challenged is the assumption that 30 percent of the new jobs would be filled by Berkeley residents who are presently unemployed, underemployed or newly entering the work force and by Berkeley residents who presently hold jobs outside Berkeley. Without any basis for this number, one could question why the number couldn't be higher or lower. If it were higher, the resulting housing demand would obviously be proportionately lower, and vice versa.



If one uses the Draft EIR assumption that 70 percent of the new jobholders would be new Berkeley residents, then 71 to 92 jobs would be for new Berkeley residents. Assuming 1.2 workers per household, then 59 to 77 new units would be required after the project is completed. This compares to the EIR estimate of 100 new units required from the project. It should also be noted that the Courtney Building EIR used a multiplier of 63 percent to compute the number of new Berkeley jobs that would be held by new Berkeley residents. If the two multipliers used in the Courtney EIR (i.e., the 20-30 percent and the 63 percent) were used in this analysis, a total of 28 to 55 new homes would be needed as a result of the project.

We have also noted that the Courtney project uses a multiplier of 300 sq. ft. per employee for office development (vs. 225-275 per employee used in this analysis). Using this multiplier, the total number of required units could be reduced by approximately 3 to 12 units, using our original analysis (vs. the Courtney multipliers).

While many of the assumptions could be challenged, either resulting in a less or greater housing demand, we feel that we have presented a more accurate picture of the expected employment generation and resulting housing demand from the project. We would like the consultant to comment on this methodology and to clarify the questions which have been asked.

Sincerely,

Mark Scher

MS:sd





# XOMA CORPORATION

2910 SEVENTH STREET  
BERKELEY, CA 94710  
415/644-1170  
TELEX: 856-697

August 6, 1986

Mark Scher  
Seventh Street Properties  
P.O. Box 929  
San Rafael, Ca. 94915

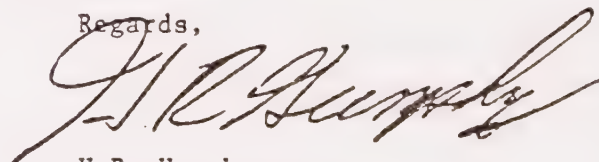
Dear Mark:

This letter will serve to indicate Xoma Corporation's interest in exploring the possibility of an approximately 18,000 square foot addition to the west of our existing leased facility located at 890 Heinz Street. There is also interest in consolidating our laboratory facility now at 2840 Eighth Street with our existing corporate office at 2910 Seventh Street into a new 53,000 square foot structure proposed for the western end of Heinz Street in the Aquatic Park Center. Our most preliminary estimate indicates a requirement of approximately 40,000 square feet, including both offices and laboratory space in this building.

Assuming we can work out a satisfactory flow and layout, the potential 18,000 square foot addition to 890 Heinz Street would provide adequate space for existing operations within the building. Approximately one-third of the potential 18,000 square feet would be devoted to storage, which is currently not present. Two important existing production related departments requiring high quality space would be relocated to this facility. If it can be worked out, one department will be reduced in size. This proposed addition should have no or minimal effect on the total number of personnel at the facility.

As you are aware, the primary catalyst for consolidating the existing 2840 Eighth Street facility with our corporate office is that the 2840 building is marginally adequate for our current needs and certainly not for our future requirements. A consolidation in mid 1987 would be desirable. Adequate replacement facilities are required close to the corporate office and 890 Heinz facility. A combined facility would again solve space deficiencies at both locations with some future flexibility available. In keeping with Xoma's general policy, the consolidated facility would be kept "lean and mean" for as long as possible until prudent business judgement dictated otherwise.

Regards,



H.R. Humphrey  
Director of Facilities

HH/oj

cc: C. Dellio



# XOMA CORPORATION

2910 SEVENTH STREET  
BERKELEY, CA 94710  
415/644-1170  
TELEX: 856-697

August 6, 1986

Mark Scher  
Seventh Street Properties  
P.O. Box 929  
San Rafael, Ca. 94915

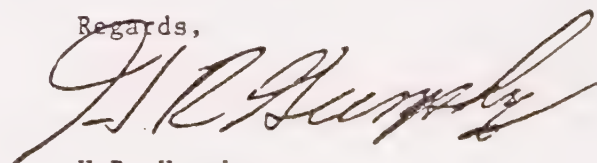
Dear Mark:

This letter will serve to indicate Xoma Corporation's interest in exploring the possibility of an approximately 18,000 square foot addition to the west of our existing leased facility located at 890 Heinz Street. There is also interest in consolidating our laboratory facility now at 2840 Eighth Street with our existing corporate office at 2910 Seventh Street into a new 53,000 square foot structure proposed for the western end of Heinz Street in the Aquatic Park Center. Our most preliminary estimate indicates a requirement of approximately 40,000 square feet, including both offices and laboratory space in this building.

Assuming we can work out a satisfactory flow and layout, the potential 18,000 square foot addition to 890 Heinz Street would provide adequate space for existing operations within the building. Approximately one-third of the potential 18,000 square feet would be devoted to storage, which is currently not present. Two important existing production related departments requiring high quality space would be relocated to this facility. If it can be worked out, one department will be reduced in size. This proposed addition should have no or minimal effect on the total number of personnel at the facility.

As you are aware, the primary catalyst for consolidating the existing 2840 Eighth Street facility with our corporate office is that the 2840 building is marginally adequate for our current needs and certainly not for our future requirements. A consolidation in mid 1987 would be desirable. Adequate replacement facilities are required close to the corporate office and 890 Heinz facility. A combined facility would again solve space deficiencies at both locations with some future flexibility available. In keeping with Xoma's general policy, the consolidated facility would be kept "lean and mean" for as long as possible until prudent business judgement dictated otherwise.

Regards,



H.R. Humphrey  
Director of Facilities

HH/oj

cc: C. Dellio



8/5/86

EIR RESPONSE

SEVENTH STREET II AGENDA

BREAKDOWN OF THE SEVENTH STREET II R&D BUILDINGS:

XOMA - 18,624 SF

(Ho Humphrey, Facilities Manager, will advise by letter that no new employees will be necessary to run this Research and Manufacturing Facility.)

DURKEE THEATRE - 12,500 SF

No new employees will be considered by either the Shakespeare or Jewish Theatres

TWO STORY OFFICE BUILDING - 54,000 SF

XOMA, a former start-up company, will be taking 42,500 square feet of office and lab space of which 27,500 square feet will be office and 15,000 square feet will be lab. In their present existing 16,000 square feet, there is 1 employee per 200 square feet. In their new office space, there will be 1 employee per 350 square feet. Of the additional 11,500 square feet of office, most will be used for expanded computer rooms, conference rooms, and demonstration rooms. It will not be used to house more personnel.

EIRRESPNS





U.C. BERKELEY LIBRARIES



C124909827

